

BEFORE THE

IN THE MATTER OF:)
)
REGULAR MONTHLY BUSINESS)
MEETING)
_____)

REPORTED BY:
Terri L. Emery,
CSR No. 11598

1 SACRAMENTO, CALIFORNIA, APRIL 18, 2000 -- 9:30 A.M.

2 * * * * *

3 CHAIRMAN EATON: Good morning, everyone, and
4 welcome to the April board meeting of the California
5 Integrated Waste Management Board.

6 Madam Secretary, please call the roll.

7 BOARD SECRETARY: Board Members Jones.

8 BOARD MEMBER JONES: Here.

9 BOARD SECRETARY: Moulton-Patterson.

10 BOARD MEMBER MOULTON-PATTERSON: Here.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Here.

13 BOARD SECRETARY: Chairman Eaton.

14 CHAIRMAN EATON: Here. Quorum is present.

15 I'll start on my left, as always, with any ex
16 parte communications. The only one that I have to

17 report, and I don't know if other Board Members may have
18 received it. I'll have to check and see if you were cc'd
19 on the letter, but the letter from Mary Ellen -- or John
20 Presner, Junior regarding Loctite and agreement to
21 achieve compliance with the RPPC law.

22 Mr. Jones, anything else to report?

23 BOARD MEMBER JONES: Correspondence from Rich
24 Hayes on the Miramar item; Chuck White on the emergency
25 regs, Tony Young on 1939; had a meeting with Dan Wall, Ed

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1 Barons, Sedric Spencer, Todd Mumstein (phonetic) on 1939;

2 George Larsen on McKittrick, and that's it.

3 CHAIRMAN EATON: Ms. Moulton-Patterson.

4 BOARD MEMBER MOULTON-PATTERSON: I'm all

5 up-to-date.

6 CHAIRMAN EATON: Senator Roberti.

7 BOARD MEMBER ROBERTI: I'm up-to-date. Thank

8 you.

9 CHAIRMAN EATON: For those of you in the

10 audience who may be here, there are speaker request forms

11 in the back. If you would wish to address the Board on

12 any item on today or tomorrow's agenda, would you kindly

13 fill out a slip with the specific information or the

14 items you would like to speak on to my left and probably

15 to your right to Ms. Lisa Dominguez and she'll ensure

16 that you are on the agenda at the time that item number

17 is called for today.

18 Mr. Jones, any reports today?

19 BOARD MEMBER JONES: I think I'll pass.

20 CHAIRMAN EATON: Okay.

21 Ms. Moulton-Patterson.

22 BOARD MEMBER MOULTON-PATTERSON: I'll pass.

23 CHAIRMAN EATON: Okay. Senator Roberti.

24 BOARD MEMBER ROBERTI: Yes.

25 Mr. Chairman, this past month I spoke at -- I

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1 think I mentioned I spoke at the Generation Earth Youth
2 Summit, but I also spoke in northern California at the
3 recycling update in downtown Oakland, just to let the
4 Board Members know I give a little equal time when I run
5 around northern California.

6 CHAIRMAN EATON: I understand you're going to
7 Mono County next month.

8 (Laughter)

9 BOARD MEMBER ROBERTI: Mono County. And I will
10 be leaving early today, to let the Members know. I will
11 be back tomorrow, but I was asked to emcee an event, the
12 local event swearing in the new speaker, Mr. Hertzberg,
13 so I thought it might be prudent for me to accept the
14 invitation, and gladly.

15 CHAIRMAN EATON: Absolutely. And I'm glad you
16 did decline the Emmys and the Academy Awards, but we do
17 have a little bit of report from legal counsel on that
18 matter for the audience, so we'll follow-up on the
19 details on that.

20 I have nothing to report other than the fact
21 that many of you, if you haven't been close to a
22 newspaper, we have a new Board Member, Mr. Jose Medina,
23 who will be joining us for next month's meeting. My
24 understanding is he will be present from around May 1st
25 forward. So at that time we will have at least five

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1 members and almost up to full board. So we'll welcome
2 Mr. Medina at that time.

3 Mr. Chandler, anything to report from the
4 Executive Director?

5 MR. CHANDLER: Just a couple items, Mr. Chairman
6 and Members, I would like to cover.

7 It's budget season, as you know, and I've
8 touched on our progress in the budget hearings but I'd
9 like to just give a complete report now.

10 The Budget and Fiscal Review Subcommittee Number
11 II heard the Board's proposed 2000-2001 budget. At a
12 hearing on April 5th, Chairman Eaton testified on the
13 only issue that was raised on the agenda and this related
14 to the sustainable building proposal. Senator Byron,
15 Shared Chairman of the Subcommittee II, commented on the
16 budget as well as the subcommittee's recognition that the
17 Board had produced a timely and comprehensive AB 939
18 report.

19 Last week on the 12th, the Assembly Budget
20 Subcommittee Number III on resources heard the Board's
21 proposed budget, and again Chairman Eaton testified. The
22 subcommittee did not raise any issues and approved the
23 Board's budget as proposed.

24 With regard to our Assembly Bill 75 workshops,
25 to date the Board has conducted four workshops in

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1 Sacramento with the purpose of walking state agencies
2 through the requirements of Assembly Bill 75, as well as
3 providing training on how to use the state agency model
4 Integrated Waste Management Plan. Attendance at the
5 workshop has been excellent with about 230 attending so
6 far. Two additional workshops will be held in southern
7 California on April 20th and the 25th, and we anticipate
8 the six workshops combined will draw over 400 in
9 attendance.

10 Assemblywoman Strom-Martin, who authored
11 Assembly Bill 75 and chaired the subcommittee at our
12 budget hearing last week, took the opportunity to ask
13 about our efforts to implement the bill, and we were
14 happy to report that the Board is making excellent
15 progress and that state agency interest appears high.

16 And finally with respect to the SB 1066 process,
17 we, as many of you know, we have conducted 11 workshops
18 to solicit input regarding the implementation of the
19 bill. The workshops provided an opportunity for some 250
20 stakeholders to share ideas and their suggestions about
21 the application process, as well as the criteria the
22 Board should consider when reviewing SB 1066
23 applications.

24 Board staff has reviewed the feedback from the
25 workshops, and based on the comments we've received at

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1 the workshops we're in the process of developing a draft
2 model application that will be presented to the Board at
3 our May 23rd-24th meeting in Visalia next month. In
4 addition to the draft model application, the application
5 process and time line will also be discussed at that
6 meeting.

7 And that, Mr. Chairman and Members, concludes my
8 report. Thank you.

9 CHAIRMAN EATON: All right. Any questions of
10 Mr. Chandler? Hearing none. As Senator Roberti
11 mentioned, and modestly I may add, he was called to a
12 higher duty to protect all of us up here, to emcee an
13 event. Due to that fact, I think I'm going to ask legal
14 counsel as to how we can proceed today in accordance to

15 not only be able to accommodate the request made by the
16 new speaker of one of our Board Members, but also for the
17 members of the public. So Ms. Tobias, if you could kind
18 of give us some guidance and we as a board can decide how
19 we want to proceed, if we have any options.

20 MS. TOBIAS: All right. Given the apparent lack
21 of a quorum today, the Legal Office can suggest a
22 possible course of action, and I am just going to cite
23 from this code section so it will be in the record.

24 Public Resources Code Section 40500 provides
25 that "the Board may appoint a committee of not less than

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1 three members of the Board to carry on investigations,
2 inquiries or hearings which the Board may undertake or
3 hold. Every order made by committee, when approved or
4 confirmed by the Board and order filed in its office,
5 shall be the order of the Board."

6 The Bagley-Keene Open Meeting Act in Government
7 Code Section 11125(d) provides that "notice of a hearing
8 of a state body that complies with this section shall
9 also constitute notice of a meeting of an advisory body
10 of that state body, provided that the business to be
11 discussed by the advisory body is covered by the notice
12 of the meeting of the state body, provided that the
13 specific time and place of the advisory body's meeting is
14 announced during the open and public state body's
15 meeting, and provided that the advisory body's meeting is
16 conducted within a reasonable time of and nearby the
17 meeting of the state body."

18 Now that I've finished with the legal
19 quotation --

20 CHAIRMAN EATON: Did everyone get that?

21 (Laughter)

22 MS. TOBIAS: Just for the record.

23 CHAIRMAN EATON: Let's hold all questions for
24 the time being.

25 (Laughter)

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1 BOARD MEMBER JONES: Before the test.

2 CHAIRMAN EATON: Ms. Tobias.

3 MS. TOBIAS: Based on the above, the Board could
4 do the following: The Board could appoint three of its
5 members as an advisory subcommittee to hear agenda items
6 for that portion of the April meeting in which less than
7 a quorum is present. The subcommittee could convene this
8 afternoon in this board room and would only hear matters
9 on the Board's noticed agenda. The advisory subcommittee
10 could vote to make a recommendation to the full Board for
11 its consideration during tomorrow's session when a
12 quorum, a full quorum of the Board is present. Upon
13 reporting its recommendations to the full Board, the
14 advisory subcommittee would cease to exist, and when
15 approved by the Board, the subcommittee's recommendations
16 would become the direction of the Board.

17 So that would be our suggestion as to how to
18 deal with the lack of a quorum this afternoon.

19 CHAIRMAN EATON: Any questions of Ms. Tobias?
20 Or perhaps maybe I can go through.

21 My understanding is in the notice requirements
22 that we would have, any item could be heard if we were to
23 appoint an ad hoc committee of three members; is that
24 correct?

25 MS. TOBIAS: That's correct.

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1 CHAIRMAN EATON: And also my understanding is
2 that if for some reason the committee made a
3 recommendation tomorrow that would not inhibit or
4 prohibit any -- once a quorum is present from that
5 inquiry being opened up and examined again; is that
6 correct?

7 MS. TOBIAS: That's correct. This ad hoc
8 subcommittee would function the same way that our
9 standing committees used to function, which is a
10 recommendation is made to the full Board and then the
11 full Board has the opportunity to hear it and make a
12 decision at that time.

13 CHAIRMAN EATON: And would it also be okay that
14 basically if people who would come here today wanted to
15 speak later on in the afternoon and for whatever reason
16 could not be here tomorrow, that they could speak on an
17 item later on at the close of the agenda, although one
18 Board Member may not be able to hear it, but they should
19 be forewarned that that item could be opened up again and
20 they may not have a chance to respond to the questions,
21 but we could hear testimony on items.

22 MS. TOBIAS: Yes. You'll be hearing -- if you
23 decide to do this, you'll be hearing the agenda items
24 today just as the Board normally would and then reopen it
25 tomorrow morning.

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1 CHAIRMAN EATON: Any other questions?

2 BOARD MEMBER ROBERTI: That's a good way to
3 proceed.

4 CHAIRMAN EATON: We would have to do a motion.

5 MS. TOBIAS: I think a motion would be most
6 appropriate that the Board would be appointing the ad hoc
7 committee.

8 BOARD MEMBER ROBERTI: When would the motion be
9 in order?

10 CHAIRMAN EATON: Right now.

11 BOARD MEMBER ROBERTI: Shall I make the motion?

12 Mr. Chairman, I move that an ad hoc committee of
13 Chairman Eaton, Ms. Moulton-Patterson and Mr. Jones be
14 appointed to hear agenda items in committee fashion.

15 Do we have to give a time specific?

16 MS. TOBIAS: And to make recommendations.

17 BOARD MEMBER ROBERTI: To make recommendations
18 and that the committee meet --

19 CHAIRMAN EATON: This afternoon.

20 BOARD MEMBER ROBERTI: This afternoon at 1:00.

21 MS. TOBIAS: Following the lunch hour.

22 BOARD MEMBER ROBERTI: After the lunch hour.

23 BOARD MEMBER MOULTON-PATTERSON: I'll second.

24 BOARD MEMBER JONES: I'll Second.

25 CHAIRMAN EATON: Senator Roberti moves and

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1 Ms. Moulton-Patterson seconds that we adopt an ad hoc
2 committee be appointed consisting of Mr. Eaton,
3 Ms. Moulton-Patterson and Mr. Jones to be able to hear
4 matters on today's agenda as an ad hoc committee this
5 afternoon, and that those matters would be then voted on
6 by the full Board tomorrow.

7 Madam Secretary, please call the roll.

8 BOARD SECRETARY: Board Members Jones.

9 BOARD MEMBER JONES: Aye.

10 BOARD SECRETARY: Moulton-Patterson.

11 BOARD MEMBER MOULTON-PATTERSON: Aye.

12 BOARD SECRETARY: Roberti.

13 BOARD MEMBER ROBERTI: Aye.

14 BOARD SECRETARY: Chairman Eaton.

15 CHAIRMAN EATON: Aye. Okay. Before we go --

16 all right.

17 Under continued business items, there's a couple
18 of items from today's agenda that have been pulled.

19 Items A and B on the continued agenda items have been
20 pulled. They will be heard at a later date.

21 Item Number 18, which is the implementation of
22 the 1066, my understanding is going to be the subject of
23 a large portion of the May meeting that will be heard in
24 Visalia, kind of halfway between northern and southern
25 California. And they say all roads don't lead to San

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1 Jose but lead to Visalia. For those of you from the
2 north and the south, this seems to be halfway and that
3 will be where the 1066 item will be taken up and some of
4 the other ideas.

5 My understanding also is that Item Number 20,
6 looking at my notes, discussion and overview of
7 compostable organic materials, has been pulled as well.

8 This takes us to the next item which is on
9 continued matters before we get to the consent calendar,
10 Item Number C, which is consideration of approval of
11 contract with University of California, Santa Cruz, for
12 expert statistics, data analysis and study design.

13 So if we could hear that matter.

14 MS. VAN KEKERIX: Tim Hall with the Waste
15 Analysis Branch will be giving the staff presentation.

16 MR. HALL: Good morning, Chairman Eaton and
17 Board Members. This item has been revised since the
18 agenda items went out, so there are copies in back if you
19 don't have those already.

20 Item C is consideration of approval of the
21 contract with the University of California at Santa Cruz
22 for expert in statistics, data analysis, and study
23 design. At the March 2000 board meeting, the Board
24 approved the scope of work to obtain expert assistance in
25 analyzing data.

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1 At that time, the Board directed staff to see if
2 a university other than UCLA would do the work. UC Santa
3 Cruz has agreed to do the work and, therefore, staff
4 recommends approval of Resolution 2000-146 to award the
5 contract to the University of California at Santa Cruz.

6 Are there any questions?

7 CHAIRMAN EATON: Any questions of staff? Okay.
8 No slips. I will entertain a motion. It's Item C.

9 BOARD MEMBER JONES: Mr. Chairman.

10 CHAIRMAN EATON: Mr. Jones.

11 BOARD MEMBER JONES: I'll move adoption of
12 Resolution 2000-146.

13 BOARD MEMBER MOULTON-PATTERSON: Second.

14 CHAIRMAN EATON: As revised.

15 BOARD MEMBER JONES: As revised.

16 CHAIRMAN EATON: Mr. Jones moves and I think I
17 heard a second by Ms. Moulton-Patterson that we adopt
18 Resolution 2000-146 as revised.

19 Madam Secretary, please call the roll.

20 BOARD SECRETARY: Board Members Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 BOARD MEMBER MOULTON-PATTERSON: Aye.

24 BOARD SECRETARY: Roberti.

25 BOARD MEMBER ROBERTI: Aye.

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1 BOARD SECRETARY: Chairman Eaton.

2 CHAIRMAN EATON: Aye.

3 Okay. That brings us to the consent calendar.

4 Members, are there any items that you would desire to be

5 pulled off the consent calendar after -- before we begin

6 to explain what the consent calendar will be for today,

7 Mr. Jones?

8 BOARD MEMBER JONES: No.

9 CHAIRMAN EATON: Ms. Moulton-Patterson.

10 BOARD MEMBER MOULTON-PATTERSON: No.

11 CHAIRMAN EATON: Senator Roberti.

12 BOARD MEMBER ROBERTI: No.

13 CHAIRMAN EATON: I just have one at the request

14 of an individual that Item Number 13, the consideration

15 and approval of the scope of work for the school and

16 special garden program, the comment wanted to be made and

17 asked if we could have that pulled. So Item 13 will not

18 be part of the consent calendar. Therefore, the consent

19 calendar will consist of Items Number 7, 12, 21, 23, 36,

20 37, 38 and 39.

21 I believe before we begin to vote there is an

22 item with regard to Item Number 12. If I could get some

23 guidance either from Mr. Chandler or Ms. Tobias. My

24 understanding is that in the resolution we voted last

25 time on four agenda items that were contained in Item

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1 Number 12, which is on consent, four jurisdictions. They
2 were inadvertently added to this.

3 If it's on the consent calendar, do we have to
4 vote -- pull that off consent calendar and vote an
5 amended motion or can we make that as just part of the
6 overall motion?

7 MS. TOBIAS: I'm comfortable with treating that
8 as a typographical error, and I think there's less of a
9 problem when you're deleting as opposed to adding in. So
10 if you're adding in without the notice, that's a problem,
11 but if you're taking something out and saying these were
12 mistakenly put in, I don't have a problem with taking
13 those off and leaving it on the consent calendar.

14 CHAIRMAN EATON: What I would move as Chair is
15 that we adopt the consent calendar consisting of Item
16 Number 7, Item Number 12 -- deleting the cities of
17 Anaheim, Fullerton, Garden Grove and Placentia, due to
18 the fact we previously considered those matters before --
19 Item Number 21, 23, 36, 37, 38 and 39.

20 BOARD MEMBER JONES: Second.

21 CHAIRMAN EATON: All right.

22 Mr. Eaton moves and Mr. Jones seconds that we
23 adopt consent calendar as proposed.

24 Madam Secretary, please call the roll.

25 BOARD SECRETARY: Board Members Jones.

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1 BOARD MEMBER JONES: Aye.

2 BOARD SECRETARY: Moulton-Patterson.

3 BOARD MEMBER MOULTON-PATTERSON: Aye.

4 BOARD SECRETARY: Roberti.

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY: Chairman Eaton.

7 CHAIRMAN EATON: Aye.

8 I apologize for something. I've just been told
9 that another item had been pulled. I didn't realize it
10 had gotten on the agenda. That would be Item Number 35,
11 which is the adoption of the emergency regs for
12 nonhazardous nonputrescible waste disposed at Class I
13 hazardous disposal permits due to the fact there needs to
14 be some additional comment by the stakeholders in that.
15 So I apologize. Item Number 35 is also pulled.

16 Moving right to the main -- new business agenda
17 items, and first up is Item Number 1, Local Assistance
18 and Planning. Appreciate your cooperation and courtesy
19 today, at least for the morning session, with regard to
20 being as concise and whatever so we can get as many items
21 heard before we break. We have a couple of other items.

22 New faces.

23 MS. MORGAN: Cara Morgan, Office of Local
24 Assistance.

25 Item Number 1 is consideration of staff

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1 recommendation to correct the base year for the
2 previously approved Source Reduction and Recycling
3 Element, and consideration of the 1997-1998 biennial
4 review findings for the Source Reduction and Recycling
5 Element and Household Hazardous Waste Element for the
6 City of Apple Valley, San Bernardino County.

7 Keir Fury of the Office of Local Assistance will
8 present the item.

9 MR. FURY: Good morning, Chairman Eaton and
10 Members of the Board. I'm Keir Fury with the Office of
11 Local Assistance, central section.

12 Item Number 1 is the Town of Apple Valley's
13 proposal to correct the base year disposal for their
14 previously approved Source Reduction and Recycling
15 Element, or SRRE. In addition, staff has conducted the
16 biennial review of the Town of Apple Valley's SRRE and
17 Household Hazardous Waste Element, or HHWE.

18 The Town of Apple Valley believes they
19 underestimated the 1990 disposal tonnage in their
20 original SRRE. The method being used by the Town of
21 Apple Valley is the same method used by the Cities of
22 Barstow and Hesperia in recent corrections that were
23 proposed by the Board.

24 They propose to replace disposal tonnage from
25 their SRRE with Board of Equalization tonnage that was

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1 not available at the time the SRRE was prepared. The
2 Town has paid fees on these revised disposal tonnages.
3 The diversion rates with the base year corrections are 40
4 percent for 1991 and 34 percent in 1998. Staff agrees
5 with this method.

6 Staff has also conducted a biennial review of
7 the town's SRRE and HHWE. Staff's review indicates the
8 jurisdiction has adequately complied with the program
9 implementation requirements of their SRRE and HHWE.

10 This concludes my presentation. A
11 representative of the Town is present. Are there any
12 questions for staff?

13 CHAIRMAN EATON: Any questions of staff?

14 BOARD MEMBER JONES: Mr. Chairman.

15 CHAIRMAN EATON: Mr. Jones.

16 BOARD MEMBER JONES: I would like to move
17 adoption of Resolution 2000-143, consideration of the
18 staff recommendation and corrected base year for the
19 previously approved SRRE, and consideration of the 97-98
20 biennial review findings for the SRRE and the Household
21 Hazardous Waste for the City of Apple Valley.

22 BOARD MEMBER MOULTON-PATTERSON: I'll second
23 that.

24 CHAIRMAN EATON: Mr. Jones moves and
25 Ms. Moulton-Patterson seconds that we adopt Resolution

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1 2000-143.

2 Without objection, we'll substitute the
3 previously roll call. Hearing no objection, so shall be
4 ordered.

5 Item Number 2.

6 MS. MORGAN: Cara Morgan, Office of Local
7 Assistance. Item Number 2 is consideration of staff
8 recommendation to change the base years to 1998 for the
9 previously approved Source Reduction and Recycling
10 Element, and consideration of staff recommendations on
11 the 1997-1998 biennial review findings for the Source
12 Reduction and Recycling Element and Household Hazardous
13 Waste Element for the Cities of Costa Mesa, Dana Point,
14 Irvine, Lake Forest, Mission Viejo, San Juan Capistrano,
15 Santa Ana, Westminster, Orange County.

16 Chris Schmidle will be presenting the item.

17 MR. SCHMIDLE: Mr. Chairman and Board Members,
18 eight cities in Orange County have all requested to
19 change their base years from 1990 to 1998. Each of the
20 cities has done a new generation study using the Board's
21 diversion study guide as a model. Staff has reviewed
22 their work and each city has provided a base year
23 certification form.

24 In addition, the staff has conducted a 1997-1998
25 biennial review of each of the eight cities' SRREs and

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1 HHWEs and found that the cities have successfully
2 implemented their source reduction, recycling and public
3 education programs.

4 The City of Dana Point is a targeted
5 implementation assistance city and is a volunteer, and as
6 such is working with the staff to increase their
7 programs.

8 Because all of the documentation is in order,
9 staff recommends that the Board adopt -- approve the 1998
10 base years and accept the 1997-1998 biennial review data
11 presented for the cities of Costa Mesa, Dana Point,
12 Irvine, Lake Forest, Mission Viejo, San Juan Capistrano,
13 Santa Ana and Westminster.

14 That's the end of my presentation, and there are
15 representatives here from the cities if you wish to talk
16 to them.

17 Any there any questions for staff?

18 CHAIRMAN EATON: Any questions of staff?

19 Ms. Moulton-Patterson.

20 BOARD MEMBER MOULTON-PATTERSON: Thank you,
21 Mr. Chair.

22 I'd like to move adoption of Resolution 2000-178
23 to change the base years to 1998 for the previously
24 approved Source Reduction and Recycling Elements, and
25 consideration -- and also approve the 1997-98 biennial

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1 review findings of the Source Reduction and Recycling
2 Element and Household Hazardous Waste Element for the
3 Cities of Costa Mesa, Dana Point, Irvine, Lake Forest,
4 Mission Viejo, San Juan Capistrano, Santa Ana and
5 Westminster, Orange County.

6 CHAIRMAN EATON: Okay.

7 BOARD MEMBER JONES: Second.

8 CHAIRMAN EATON: All right.

9 Ms. Moulton-Patterson moves and Mr. Jones
10 seconds that we adopt Resolution 2000-178.

11 Without objection, we'll substitute the previous
12 roll call. Hearing no objection, so shall be ordered.

13 Item Number 3.

14 MS. MORGAN: Cara Morgan, Office of Local
15 Assistance. Item 3 is consideration of staff
16 recommendation to correct the base year for the
17 previously approved Source Reduction and Recycling
18 Element for the City of Livermore, Alameda County.

19 Eric Bissinger will be presenting the item.

20 MR. BISSINGER: Good morning, Chairman Eaton and
21 Board Members. My name is Eric Bissinger and I'm with
22 the Office of Local Assistance. Today I'm presenting
23 agenda Item Number 3.

24 In June of 1999, the City of Livermore requested
25 to correct the City's original base year disposal amounts

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1 by providing additional self-haul and sludge disposal
2 information. Board staff has determined that the method
3 used to revise the disposal amount has been adequately
4 documented and generally consistent with previous Board
5 standards for accuracy.

6 Therefore, staff recommend approving the City of
7 Livermore's request to correct the original base year.

8 That concludes my presentation. Are there any
9 questions?

10 CHAIRMAN EATON: Any questions of staff?

11 BOARD MEMBER JONES: Mr. Chairman.

12 CHAIRMAN EATON: Mr. Jones.

13 BOARD MEMBER JONES: I'll move adoption of
14 Resolution 2000-179 to correct the base year and
15 approve -- of the approved Source Reduction and Recycling
16 Element for the City of Livermore.

17 CHAIRMAN EATON: I'll second the motion.

18 Mr. Jones moves and Mr. Eaton seconds that we
19 adopt Resolution 2000-179.

20 Without objection, we'll substitute the previous
21 roll call. Hearing no objection, so shall be
22 ordered.

23 Item Number 4. By the way, we've noticed
24 Mr. Block is here. If any of us would like a legal
25 opinion, we have a new lawyer present. Hearing none,

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1 okay. Fine. Thank you, Mr. Block.

2 Ms. Morgan.

3 MS. MORGAN: Cara Morgan, Office of Local
4 Assistance. Item Number 4 is consideration of staff
5 recommendation to correct the base year for the
6 previously approved Source Reduction and Recycling
7 Element for the City of Newark, Alameda County.

8 Eric Bissinger will again present this item.

9 MR. BISSINGER: Agenda Item Number 4. In
10 November of 1999, the City of Newark requested to correct
11 the City's original base year disposal amounts by
12 providing additional self-haul and disposal allocation
13 information.

14 Board staff had determined that the method used
15 to revise the disposal amounts has been adequately
16 documented and is generally consistent with previous
17 Board standards for accuracy. Therefore, staff recommend
18 approving the City of Newark's request to correct their
19 original base year.

20 That concludes my presentation. Are there any
21 questions?

22 CHAIRMAN EATON: Any questions of staff on Item
23 Number 4? Hearing none.

24 Ms. Moulton-Patterson.

25 BOARD MEMBER MOULTON-PATTERSON: I just wanted

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1 to make the motion. I would like to move approval of
2 Resolution 2000-179 to correct the base year for the
3 previously approved Source Reduction and Recycling
4 Element for the City of Newark, Alameda County.

5 BOARD MEMBER JONES: 180 or 179?

6 BOARD MEMBER MOULTON-PATTERSON: I'm sorry. It
7 says here on my notes. 180. Thank you, Mr. Jones.

8 BOARD MEMBER JONES: Sorry. I'll second.

9 CHAIRMAN EATON: Thank you, everyone.

10 Ms. Moulton-Patterson moves and Mr. Jones
11 seconds that we adopt Resolution 2000-180.

12 Without objection, we'll substitute the previous
13 roll call. Hearing no objection, so shall be ordered.

14 Item Number 5.

15 MS. MORGAN: Cara Morgan, Office of Local
16 Assistance.

17 Item Number 5 is consideration of staff
18 recommendation to correct the base year for the
19 previously approved Source Reduction and Recycling
20 Element for the City of San Leandro, Alameda County.

21 Eric Bissinger will present this item.

22 MR. BISSINGER: Agenda Item Number 5.

23 In November of 1998, the City of San Leandro
24 requested to correct the City's original base year
25 disposal amounts by providing additional self-haul

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1 disposal information.

2 Board staff has determined that the method used
3 to revise the disposal amounts has been adequately
4 documented and is generally consistent with previous
5 Board standards for accuracy. Therefore, staff recommend
6 approving the City of San Leandro's request to correct
7 their original base year.

8 That concludes my presentation. Are there any
9 questions?

10 CHAIRMAN EATON: Any questions of staff? Okay.

11 Mr. Jones.

12 BOARD MEMBER JONES: Mr. Chairman, I'll move
13 adoption of Resolution 2000-181, consideration of staff
14 recommendation to correct the base year for the
15 previously approved SRRE for the City of San Leandro.

16 CHAIRMAN EATON: And I'll second the motion.

17 Mr. Jones moves and Mr. Eaton seconds that we
18 adopt Resolution 2000-181.

19 Without objection, we'll substitute the previous
20 roll call. Hearing no objection, so shall be the order.

21 Item Number 6.

22 MS. MORGAN: Cara Morgan, Office of Local
23 Assistance. Item Number 6 is consideration of staff
24 recommendation to correct the base year for the
25 previously approved Source Reduction and Recycling

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1 Element for the City of Buena Park, Orange County.

2 Chris Schmidle will present the item.

3 MR. SCHMIDLE: Mr. Chairman and Board Members,
4 the City has requested a correction to its 1990 base year
5 generation tonnage by including additional construction
6 and demolition disposal to landfills that was not
7 previously included in the base year.

8 The City has submitted all necessary
9 documentation and is implementing all the programs
10 selected in their SRRE. Therefore, board staff
11 recommends that the Board approve the correction as
12 noted.

13 Is there any questions?

14 CHAIRMAN EATON: Any questions of staff? Okay.

15 Ms. Moulton-Patterson.

16 BOARD MEMBER MOULTON-PATTERSON: Thank you,
17 Mr. Chairman.

18 I would like to move approval of Resolution
19 2000-185 to correct the base year for the previously
20 approved Source Reduction and Recycling Element for the
21 City of Buena Park, Orange County.

22 BOARD MEMBER JONES: Second.

23 CHAIRMAN EATON: All right.

24 Ms. Moulton-Patterson and Mr. Jones seconds we
25 adopt Resolution 2000-185.

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1 Without objection, we'll substitute the previous
2 roll call. Hearing no objection, so shall be the order.

3 Item Number 7 was a consent item and previously
4 has been considered. Item Number 8.

5 MS. MORGAN: Cara Morgan, Office of Local
6 Assistance. Item Number 8 is consideration of request
7 for extending compliance order due dates for the City of
8 La Puente, Los Angeles County ; the City of Desert Hot
9 Springs, Riverside County; and the City of Colfax, Placer
10 County.

11 Chris Schmidle will be presenting the item.

12 MR. SCHMIDLE: Mr. Chairman and Board Members,
13 the compliance orders for the Cities of La Puente, Desert
14 Hot Springs, and Colfax required them to correct their
15 base year -- their waste generation data problems.

16 These jurisdictions notified the Board in a
17 timely matter that they determined the most appropriate
18 method to correct the data problems was to conduct a new
19 generation study based on 1999 data. However, the
20 disposal reporting information they need to do their
21 studies will not be available to them until the beginning
22 of June.

23 Therefore, the jurisdictions are requesting
24 extension to June 15th to allow sufficient time for them
25 to obtain and incorporate this data into their studies.

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1 Board concurs in this and requests that the Board approve
2 the request.

3 CHAIRMAN EATON: I just have one question,
4 Mr. Schmidle. Our June board meeting generally will be
5 the third week. Will that be enough time for them to get
6 the information? I know you've said June 15th. I want
7 to make sure that they have enough time.

8 MR. SCHMIDLE: That will be the report to us by
9 June 15th and they'll probably wind up on the July
10 agenda.

11 CHAIRMAN EATON: Great. So there's not a
12 problem there in terms of time. Great. Thank you very
13 much. Placer County. Mr. Jones, Placer County.

14 BOARD MEMBER JONES: You're new. I'd go for it,
15 Mr. Chairman.

16 (Laughter)

17 CHAIRMAN EATON: Desert Hot Springs and La
18 Puente, as well. I move that we adopt Resolution
19 2000-183.

20 BOARD MEMBER JONES: I'll second.

21 CHAIRMAN EATON: Mr. Eaton moves and Mr. Jones
22 seconds we adopt Resolution 2000-183.

23 Without objection, we'll substitute the previous
24 roll call. Hearing no objection, so shall be the order.

25 Item Number 9.

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1 MS. MORGAN: Cara Morgan, Office of Local
2 Assistance. Item Number 9 is consideration of a request
3 for extending compliance order due dates for the
4 following jurisdictions: City of Bell Gardens and City
5 of Torrance, Los Angeles County; City of Biggs and City
6 of Paradise, Butte County; and the City of Adelanto, San
7 Bernardino County.

8 Chris Schmidle will be presenting the item.

9 MR. SCHMIDLE: Mr. Chairman and Board Members,
10 the cities named informed the Board in a timely fashion
11 that they were determined to develop a most appropriate
12 method to correct the data problems and this was to
13 conduct a new waste generation study based on 1998 or
14 earlier data. Each of these cities has notified the
15 Board for the need for an extension.

16 Basically they are either doing additional
17 audits, they need time to do more audits, or they're
18 waiting to look at the 1999 data to see if it would
19 possibly be better than their '98 data.

20 We feel all these jurisdictions are making
21 compliance with their compliance order. They're asking
22 for extensions that go from July 1st to August 1st.
23 Again the situation, Board staff agrees this is not an
24 undue extension and, therefore, approves the request for
25 the above jurisdictions.

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1 CHAIRMAN EATON: Any questions of Mr. Schmidle?

2 Hearing none, I would move that we adopt
3 Resolution 2000-186, granting extension of time for the
4 compliance orders for the jurisdictions.

5 BOARD MEMBER JONES: I'll second.

6 CHAIRMAN EATON: Mr. Eaton moves and Mr. Jones
7 seconds that we adopt Resolution 2000-186.

8 Without objection, we'll substitute the previous
9 roll call.

10 BOARD MEMBER JONES: Mr. Chairman.

11 CHAIRMAN EATON: I'm sorry. Mr. Jones.

12 BOARD MEMBER JONES: Just one quick question,
13 and I was glad that you had asked the question last time.
14 I know when we had some compliance extensions in my
15 briefing I said, "Is this going to be enough time? Maybe
16 they need more time," and it was basically that the
17 cities felt like this was all the time that they really
18 needed to do this, so -- and I think your asking on the
19 first one reinforces the Board's effort to try and make
20 sure cities have all the time they need to deal with
21 these things, but I didn't want to leave that unsaid.

22 CHAIRMAN EATON: We have a motion before us,
23 motion to adopt Resolution 2000-186.

24 We have a motion and second. Without objection,
25 we'll substitute the previous roll call. Hearing no

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1 objection, so shall be ordered.

2 Item Number 10.

3 MS. MORGAN: Cara Morgan, Office of Local
4 Assistance. Item Number 10 is consideration of the City
5 of La Habra Heights' request for an extension to a
6 compliance order program implementation due date.

7 Chris Schmidle will be presenting the item.

8 MR. SCHMIDLE: Chairman and Board Members, the
9 City of La Habra Heights was placed on the compliance
10 order for program implementation. The city staff has met
11 with Targeted Implementation Assistance and outreach
12 staff from the Board to help them develop a work plan for
13 implementing their programs. The City -- subsequent to
14 that, however, the City has had delays associated with
15 the change in city employees and a delay due to problems
16 of getting some of their ordinances on the city council
17 agenda and getting them heard in a timely fashion.

18 We feel that the Board is asking for a delay to
19 some of its interim dates. They do not feel that they
20 need a -- that they still will be able to make their
21 original final date, so this is just an extension of the
22 dates that are in their work plan, and board staff feels
23 that these are reasonable requests and, therefore,
24 recommend approval.

25 CHAIRMAN EATON: All right.

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1 BOARD MEMBER JONES: Mr. Chairman.

2 CHAIRMAN EATON: Mr. Jones.

3 BOARD MEMBER JONES: I would like to move
4 adoption of Resolution 2000-144 for the extension of the
5 time for the compliance order implementation for La Habra
6 Heights.

7 CHAIRMAN EATON: All right. I'll second.

8 Mr. Jones moves and Mr. Eaton seconds that we
9 adopt Resolution 2000-214.

10 Without objection, we'll substitute the previous
11 roll call. Hearing no objection, so shall be the
12 order.

13 Item Number 11.

14 MS. MORGAN: Cara Morgan, Office of Local
15 Assistance. Item Number 11 is consideration of a request
16 to extend the completeness due date for the Ventura
17 County siting element and summary plan.

18 Elliot Block has the pleasure of presenting this
19 item.

20 CHAIRMAN EATON: We're honored, Mr. Block.

21 MR. BLOCK: Good morning, Chairman and Members.

22 CHAIRMAN EATON: A lot different than
23 Mr. Schiavo introducing you; isn't it?

24 MS. MORGAN: He paid me.

25 MR. BLOCK: Item Number 11 is consideration of a

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1 request to extend the compliance due date for the Ventura
2 County's siting element and summary plan.

3 Just very briefly some background. In 1995,
4 Ventura County submitted their siting element and summary
5 plan. The County filed a notice of exemption for that
6 plan rather than a negative declaration. In the interim,
7 the Board and the County have been discussing the issue
8 of whether the Board had authority to require that
9 negative declaration. This is what happens when I do the
10 slides in the morning rather than on the computer.

11 CHAIRMAN EATON: We'll get a roll-away for you
12 the next time.

13 MR. BLOCK: Just need to work on that.

14 As a result of those discussions, the County and
15 the Board agreed to resolve this issue without the need
16 for litigation over this issue. The County agreed that
17 they would be revising their siting element and summary
18 plan to include new information that had occurred in the
19 intervening time and would do a negative declaration or
20 more, if necessary, for that revision. And the Board
21 obviously gave them the time to do that.

22 The County has now completed that siting element
23 and summary plan revision, although it ended up involving
24 more issues than we thought would so it has taken a
25 little longer. However, based on the statutory

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1 requirements for majority, majority approval, there's
2 still some steps, procedural steps that the County has to
3 go through to finalize these documents and then submit
4 them to the Board. So they have requested an additional
5 extension of time.

6 In your packet on page 11-6, 11-7 is a chart
7 from the County. Unfortunately, because the way the
8 statute is set up, it actually allows jurisdictions up to
9 90 days to review and approve these documents, and so we
10 have a request in front of us with the worst case
11 scenario date so that we don't have to do an additional
12 extension which could potentially mean that all the I's
13 aren't dotted and the T's aren't crossed until September
14 22nd. However, we're anticipating, I think, it would be
15 a lot sooner than that.

16 All of these jurisdictions have been discussing
17 this revision over the course of the last six months to a
18 year and it's essentially a question of getting it on
19 those agendas and getting them approved. So, however,
20 because of that potential for the longer period of time,
21 the extension request is technically until September
22 22nd, although again, there's nothing that would stop it
23 from coming in sooner.

24 Kay Martin from the County is presents and she's
25 available to provide you information about efforts that

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1 the County has undergone in revising those documents, and
2 first I would ask if you had any questions of me before I
3 asked her to step up to the mike.

4 CHAIRMAN EATON: Any questions of Mr. Block or
5 of Ms. Martin?

6 BOARD MEMBER JONES: Mr. Chairman.

7 CHAIRMAN EATON: Mr. Jones.

8 BOARD MEMBER JONES: I would move adoption of
9 Resolution 2000-148 for the consideration of a request to
10 extend the completeness due date for Ventura County's
11 siting element and summary plan.

12 CHAIRMAN EATON: Okay.

13 BOARD MEMBER MOULTON-PATTERSON: I'll second
14 that.

15 CHAIRMAN EATON: Mr. Jones moves and
16 Ms. Moulton-Patterson seconds that we adopt Resolution
17 2000-148 regarding the extension of time for the
18 completeness due date for the Ventura County Countywide
19 Siting Element and Summary Plan.

20 Without objection, we'll substitute the previous
21 roll call. Hearing no objection, so shall be the order.

22 Thank you very much, Mr. Block.

23 Item Number 12 was a consent item. Item Number
24 13, which was originally on the consent calendar but now
25 is off.

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1 Ms. Morgan.

2 MS. MORGAN: Cara Morgan, Office of Local
3 Assistance.

4 Item Number 13 is consideration of approval of
5 the scope of work for the school instructional garden
6 program which was approved through Contract Concept
7 Number 79. This particular item helps implement AB 1014
8 which is the bill which formally establishes the
9 instructional schools garden programs in the California
10 Department of Education.

11 The Board is asked to, during its annual
12 discretionary funding process, to give preferential
13 consideration to providing an appropriate level of
14 funding for the program. Currently the Board is required
15 by statute under PRC 42621 to one, work with the CDE to
16 develop an educational program and curriculum to teach
17 source reduction, recycling, composting and integrated
18 waste management in California schools; and two, provide
19 technical assistance to promote waste diversion at school
20 sites.

21 This program promotes both organics diversion
22 and buying recycled content products. Contract Concept
23 Number 79 provides that the Board would provide \$175,000
24 for the school instructional garden program. This
25 particular -- on Item Number 14, we would be asking the

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1 Board would approve \$150,000, and \$24,000 is remaining
2 from last year's budget.

3 CHAIRMAN EATON: Okay. Any questions.

4 MS. MORGAN: Questions?

5 CHAIRMAN EATON: Questions of Ms. Morgan? One
6 speaker, Mr. Mike Falasco.

7 MR. FALASCO: Good morning, Mr. Chair and
8 Committee -- Board Members. I have copies of the revised
9 scope of work if you would like to share it with the
10 Board.

11 I'll be very brief. Just quickly who I am, I'm
12 Mike Falasco with Wine Institute. We're a trade
13 association of California's wineries representing about
14 450 wineries in the state with 92 percent of production.
15 I'm here today primarily on behalf of the Agricultural
16 Network.

17 The Ag Network is an amalgam of most of the
18 major trade associations in agriculture and a number of
19 businesses. Our mission has been turning out to be
20 principally in the area of education, and the school
21 gardens program that staff briefly described, that
22 legislation was one that we co-sponsored, AB 1014.

23 The scope of work that's been prepared by your
24 staff is excellent. Just a few suggestions that we would
25 like to add to the scope. They provide more

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1 accountability for us as the Ag Network. What the Ag
2 Network's role is with the school gardens is to
3 facilitate the delivery of in-kind tools, plants, seeds,
4 the -- whatever is needed to make the garden work, in
5 addition to what the board staff, the Board would be
6 providing.

7 What we ask for on page 3 of the scope of work
8 is that the Department of Education supply a list of the
9 grant recipients to the Agriculture Network, then the
10 Agriculture Network will have the responsibility of
11 getting in contact with them regarding their supply needs
12 so we have an up-front idea of what is needed in the
13 individual schools.

14 Then on page 4, the last suggestions that we
15 have, once you have the workshops, once the Department of
16 Education brings in the individual grantees, the
17 participants at the workshop would need to provide in
18 advance of attending their list of resource supply needs
19 that they think they want so there will be some idea in
20 advance of -- so the Agriculture Network will know which
21 school wants shovels, which school wants rakes, which
22 school wants vines, which school wants trees.

23 With that information then the Agriculture
24 Network could do its job in partnership with the Board
25 and with the Department to make this happen in a very

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1 cost-effective manner. That's essentially the
2 suggestions that we would appreciate be added to the
3 scope of work.

4 In conclusion, we think this is a wonderful
5 example of partnership between government, two different
6 agencies of government and the private sector.

7 CHAIRMAN EATON: I see notice there's also one
8 other item, a handwritten note during the -- a 15-minute
9 presentation. Is that also a proposal?

10 MR. FALASCO: Yes, Chairman Eaton. That would
11 be nice to make sure that during the workshop that the Ag
12 Network gets an opportunity to explain the total array of
13 services it can provide including, for example, there's
14 hundreds of agriculture programs in the state's high
15 schools that could be a great manpower source for these
16 individual schools also.

17 CHAIRMAN EATON: Okay. Staff, any comments with
18 regard to the items as presented? Good, bad,
19 indifferent?

20 MS. MORGAN: They're great suggestions. Staff
21 did inform me that Mike is part of the team of people
22 that are putting together and shaping these workshops, so
23 he's an important part of the whole process.

24 CHAIRMAN EATON: Members, any questions or any
25 objections to incorporating those into the scope of work?

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1 I would ask, if we could just correct, 60-minute
2 presentation, I'm kind of sensitive to the fact to
3 inflict that kind of time allocation. Perhaps we could
4 say to make a presentation of reasonable length.

5 MR. FALASCO: That's perfectly fine.

6 CHAIRMAN EATON: Because I think -- I mean.

7 MR. FALASCO: It's well made.

8 CHAIRMAN EATON: Okay. Ms. Moulton-Patterson.
9 I'm sorry.

10 BOARD MEMBER MOULTON-PATTERSON: I'm very much
11 in favor of this and would like to go ahead and move
12 approval of the scope of work, including your
13 suggestions, and we really appreciate what you're doing
14 and working with us on this. I think it's really
15 important and I think your suggestion about the
16 presentation is important because a lot of times schools
17 don't know what's out there and what's available. So
18 thank you. I suddenly lost the number here. Thank you.
19 There's where it is.

20 I would like to move approval of this Resolution
21 2000-148 of the scope of work for the school
22 instructional gardens program, which includes the
23 suggestions that were put on the record.

24 BOARD MEMBER JONES: Second.

25 CHAIRMAN EATON: All right.

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1 Ms. Moulton-Patterson moves and Mr. Jones
2 seconds that we adopt Resolution 2000-148 with the
3 inclusion of the recommendations in the scope of work by
4 Mr. Falasco and the Ag Network of which I will hand to
5 the court reporter to be incorporated as part of the
6 resolution.

7 So without objection, we'll substitute the
8 previous roll call. Hearing no objection, so shall be
9 the order.

10 Thank you, Mr. Falasco.

11 MR. FALASCO: Thank you very much.

12 CHAIRMAN EATON: Item Number 14 now becomes the
13 money.

14 Ms. Morgan.

15 BOARD MEMBER JONES: He's confident. He's
16 leaving without the vote on the money.

17 (Laughter)

18 MS. MORGAN: Better stay, Mike.

19 (Laughter)

20 MS. MORGAN: Cara Morgan, Office of Local
21 Assistance.

22 Item Number 14 is consideration of approval of
23 the award of contract to the California Department of
24 Education for the school instructional garden contract,
25 fiscal year 99-2000, Contract Concept Number 79.

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1 As I mentioned previously, this program is
2 designed to award grants to schools, school districts,
3 county offices of education, and other local agencies
4 statewide to establish a school site garden and to
5 incorporate agriculture -- Mike -- nutrition and waste
6 management concepts into classroom instruction. This
7 item is requesting the Board to consider and award the
8 funding for the school instructional garden program.

9 Any questions for staff?

10 CHAIRMAN EATON: Any questions? Okay.

11 BOARD MEMBER MOULTON-PATTERSON: Mr. Chairman.

12 CHAIRMAN EATON: Ms. Moulton-Patterson.

13 BOARD MEMBER MOULTON-PATTERSON: I would like to
14 move the approval of Resolution 2000-159 for the award of
15 contract to the California Department of Education for
16 the school instructional garden contract.

17 CHAIRMAN EATON: All right. And I'll second the
18 motion.

19 Ms. Moulton-Patterson moves and Mr. Eaton
20 seconds that we adopt Resolution 2000-159 which is the
21 award of contract to California Department of Education.
22 Since this is an award of money, in keeping with past
23 practices, Madam Secretary, will you please call the
24 roll.

25 BOARD SECRETARY: Board Members Jones.

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1 BOARD MEMBER JONES: Aye.

2 BOARD SECRETARY: Moulton-Patterson.

3 BOARD MEMBER MOULTON-PATTERSON: Aye.

4 BOARD SECRETARY: Roberti.

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY: Chairman Eaton.

7 CHAIRMAN EATON: Aye. Thank you very much.

8 Thank you, everyone. Okay.

9 Ladies and gentlemen, Items Number 15, 16 and 17
10 are oral presentations or informational only. I've
11 checked with Senator Roberti and the Board Members.
12 Without objection, is it okay if we just put those
13 matters on hold since they're not really voting matters,
14 and given the circumstances that we are in the
15 subcommittee this afternoon, it may be more appropriate
16 to hear those later this afternoon or tomorrow since
17 they're non-voting items. Is there any objection to
18 that? Okay.

19 The other thing I would like to say, is there
20 anyone on the audience who desired to speak on Items 15,
21 16 or 17 that would not be available this afternoon who
22 would want to comment on those, and if so, could you come
23 forward right now and we'll be happy to entertain your
24 testimony in keeping with our own internal organization
25 quandary, we would be happy to accommodate you.

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1 Seeing none, hearing none, we'll move directly
2 to the next item, Item 18, which we remember was pulled.
3 Item Number 19, if we could use the -- if you wouldn't
4 mind holding those items, since it's an oral
5 presentation. I should always turn the page; shouldn't
6 I?

7 That completes the Planning items, and thank you
8 very much and tell Mr. Schiavo to have a long vacation.
9 Obviously you move through it very quickly and obviously
10 due to your skills. Okay.

11 Next item, there's just a couple of items in
12 Waste Prevention and Market Development. Item Number 20
13 was pulled. Item Number 21 was on consent. Item Number
14 22.

15 MR. ORR: Thank you, Mr. Chairman. Good
16 morning, Board Members. Bill Orr, the acting Deputy of
17 Waste Prevention and Market Development.

18 Item 22 is the consideration of approval of an
19 exciting new project to award to the City of San
20 Sacramento for the Consumnes River Watershed Yard
21 Trimming/Dairy Manure Co-Compost Project.

22 Howard Levenson will present this item.

23 MR. LEVENSON: Good morning, Mr. Chairman and
24 Board Members. As Bill said, this item requests that the
25 Board award a standard agreement to the City of

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1 Sacramento to conduct a municipal yard trimming and dairy
2 manure co-composting demonstration project just south of
3 here. This was approved in concept as part of Contract
4 Concept Number 30 last year, and as Chairman Eaton
5 indicated, the scope of work for this was on the consent
6 agenda.

7 We're very pleased to bring this item before
8 you. First of all, award of this contract will develop
9 additional markets for yard trimmings, ultimately on the
10 order of 100,000 tons a year. Secondly, this represents
11 an opportunity for the Board to foster innovative
12 projects and develop model projects for other regions.

13 As many of you know, the federal Clean Water Act
14 is forcing dairies to pay more attention to the
15 elimination of manure piles as a way of preventing the
16 leaching of nitrate into our surface waters and ground
17 waters. Yard trimmings are a good match for manure and
18 composting projects. They provide bulking agents so that
19 air can get through the composting piles, and they're a
20 carbon source so we can get the right nitrogen ratios for
21 good composting.

22 However, there's a real positive information on
23 this kind of approach and hence this project. The
24 partnership has five partners -- City of Sacramento;
25 USEPA, which will provide additional funding contingent

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1 upon Board approval on this project; Horizon Organic
2 Dairy, which is the nation's -- I believe is the nation's
3 largest organic dairy business; Grover Landscaping
4 Services; and the Nature Conservancy.

5 It's a real unique partnership and follows up on
6 some of the information we've gotten at various national
7 conferences on the need for this kind of project.

8 So with that, staff would recommend the adoption
9 of option one, approval of option one and the adoption of
10 Resolution 2000-193.

11 CHAIRMAN EATON: Any questions of Mr. Levenson?

12 Okay. Hearing none.

13 BOARD MEMBER JONES: Mr. Chairman.

14 CHAIRMAN EATON: Mr. Jones.

15 BOARD MEMBER JONES: I'll move adoption of
16 Resolution 2000-193, consideration of approval of an
17 award to the City of Sacramento for the Consumnes River
18 watershed yard trimming and dairy manure co-compost
19 project.

20 CHAIRMAN EATON: I'll second the motion.

21 Mr. Jones moves and Mr. Eaton seconds that we
22 adopt Resolution 2000-193.

23 Without objection, substitute the previous roll
24 call. Hearing no objection, so shall be the order.

25 Item Number 23 was on consent. Item Number 24.

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1 CHAIRMAN EATON: What I will be able to do
2 then, since we have a break for the reporter and we also
3 have to have a short, very, very short closed session.
4 So what I would like to be able to do is take a short
5 break. Mr. Chandler, if we could do the closed session
6 very quickly, it won't take up much time, and then be
7 back here in ten minutes at five to 11:00. We'll start
8 in and maybe Mr. -- AK can be here.

9 We'll stand in recess until 10:55. Thank you.

10 (Brief recess taken)

11 CHAIRMAN EATON: Welcome back, everyone.

12 Start with any ex partes to report. Mr. Jones.

13 BOARD MEMBER JONES: No.

14 CHAIRMAN EATON: Ms. Moulton-Patterson, Senator?

15 No. Okay.

16 Item Number 24.

17 MR. ARSTEIN-KERSLAKE: Good morning,
18 Mr. Chairman and the Board Members. My name is Gary
19 Arstein-Kerslake, Chief of the Information Technology at
20 Integrated Waste Management Board, and I'm here for
21 agenda Item Number 24, consideration of redirecting
22 99-2000 funding to implement statewide online telephone
23 directory.

24 Very briefly, the State Department of General
25 Services publishes approximately 100,000 copies annually

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1 of the statewide telephone directory. It's approximately
2 a 300-page document. That amounts to 27 million pages
3 annually. CIWMB has actually contracted to retrieve or
4 to pick up the older issues when the newer issues of the
5 phone directory come out, so we're already involved in
6 this process.

7 Several years ago, we had communications with
8 the Department of General Services Telecommunications
9 Division that has responsibility for printing the
10 telephone directory and at that point evaluated various
11 aspects of the process. At that time, Department of
12 General Services had a project underway to create an
13 online version of the telephone directory.

14 Recently -- but apparently that didn't come to
15 fruition and recently the Governor's Office of Innovation
16 took this on as a project and has done a lot of the work
17 that we had done in our investigation previously and has
18 gone beyond that and has been working with some of the
19 vendors and got some put on RFP and got some proposals
20 back on this project. Based on that work, it's estimated
21 costing for this project would be approximately
22 \$100,000 -- \$65,000 to implement the system and \$35,000
23 to operate it annually.

24 What this proposes here is that CIWMB enter into
25 an interagency agreement with the State Consumer Services

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1 Agency, which is the parent agency over Department of
2 General Services, and obviously coordinate fully with
3 Department of General Services Telecommunication
4 Division, and that we establish an interagency agreement
5 with them to lay down the agreement with regard to the
6 responsibilities in implementing this system, but that
7 CIWMB would contract directly with one of the vendors,
8 with a private sector vendor to implement this system and
9 operate it for a one full-year period.

10 During that one-year period, the arrangements
11 would be to consider shifting the operations of the
12 system to one of the data centers and some of the
13 responsibilities for the ongoing maintenance and
14 administration back elsewhere within the State Consumer
15 Services Agency.

16 Are there -- do you have any questions?

17 CHAIRMAN EATON: Questions?

18 Ms. Moulton-Patterson and Senator Roberti.

19 BOARD MEMBER MOULTON-PATTERSON: I have a
20 question since this is new to me. What kind of -- I
21 don't want to say promises, but you said they distribute
22 100,000 copies.

23 MR. ARSTEIN-KERSLAKE: That's correct.

24 BOARD MEMBER MOULTON-PATTERSON: Right now? Are
25 there commitments that they will not be using that many?

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1 I would hate to see us do this -- I think it's a great
2 idea, but if they're not committing to, you know,
3 distribute less copies.

4 MR. ARSTEIN-KERSLAKE: Correct. There's two
5 aspects with this. One, the system that would be
6 designed to allow for printing of the -- creating a
7 creditable printed version from the online version, so
8 that would perhaps meet some of those needs. And also,
9 we feel were this to be made available in an online
10 fashion, we're assuming that perhaps we would achieve 30
11 percent reduction in the first year of folks who would
12 prefer to access it online where it is updated much more
13 frequently and where you have search capabilities.

14 So we think that naturally we would get some
15 reduction there, but we would definitely work with
16 Department of General Services and State Consumer
17 Services Agency to get commitments to reduce the amount
18 that are published, and we would also try to get
19 advertisements actually notifying some way within the
20 telephone directory, the printed version, to encourage
21 them to use the online version of it.

22 BOARD MEMBER MOULTON-PATTERSON: Okay.

23 MR. ARSTEIN-KERSLAKE: Definitely make efforts
24 to reduce the printing.

25 BOARD MEMBER MOULTON-PATTERSON: Thank you for

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1 answering my question.

2 CHAIRMAN EATON: Senator Roberti.

3 BOARD MEMBER ROBERTI: I think the proposal is a
4 good one. I only have a question. I don't know who can
5 answer this. This is coming out of a more general fund.
6 Do we have any idea how much money in toto is available
7 in the fund for all projects?

8 MR. ARSTEIN-KERSLAKE: Actually, I couldn't
9 address that one, so --

10 MS. FISH: When you refer to "all projects," do
11 you mean all projects moving forward at the Board or --

12 BOARD MEMBER ROBERTI: Yeah. The fund from
13 which this is coming.

14 MS. FISH: This is out of our RMDZ.

15 BOARD MEMBER ROBERTI: RMDZ. Yes. How much
16 money?

17 MS. FISH: There was about 106 that was
18 identified in previously allocated -- that the Board had
19 allocated in the Markets Division that was focused on
20 reduction, and so this was using a portion of that
21 savings for this project.

22 Now, you're going to see a more comprehensive
23 item come forward that addresses everything that we have
24 to redirect. This was maybe brought forward a little
25 more quickly.

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1 CHAIRMAN EATON: Is that Item 45, then?

2 MS. FISH: You know, I'm not sure -- is it?

3 Yeah.

4 CHAIRMAN EATON: Item 45 is an allocation.

5 MS. FISH: And that is an informational item
6 that will discuss all of what we believe is available to
7 reallocate at this point in time. This one perhaps moved
8 to the head of the pile.

9 BOARD MEMBER JONES: Mr. Chairman.

10 CHAIRMAN EATON: Senator Roberti, but first I
11 think --

12 BOARD MEMBER ROBERTI: Yeah, that --

13 MS. FISH: Did I answer your question?

14 BOARD MEMBER ROBERTI: You answered my question.

15 CHAIRMAN EATON: Mr. Jones.

16 BOARD MEMBER JONES: Mr. Chairman, I think it's
17 a great proposal and maybe it's the first step to
18 actually getting the DGS product catalog online where we
19 can put recycled content products first and other items
20 second, and this is a good way to get in the door and
21 start showing what you guys are capable of.

22 I'm going to move adoption of Resolution
23 2000-213, consideration of redirecting 1999-2000 funding
24 to implement the statewide online telephone directory.

25 CHAIRMAN EATON: I'll second.

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1 Mr. Jones moves and Mr. Eaton seconds we adopt
2 Resolution 2000-213. It's money, so Madam Secretary,
3 please call the roll.

4 BOARD SECRETARY: Board Members Jones.

5 BOARD MEMBER JONES: Aye.

6 BOARD SECRETARY: Moulton-Patterson.

7 BOARD MEMBER MOULTON-PATTERSON: Aye.

8 BOARD SECRETARY: Roberti.

9 BOARD MEMBER ROBERTI: Aye.

10 BOARD SECRETARY: Chairman Eaton.

11 CHAIRMAN EATON: Aye.

12 Okay. That completes I believe this section of
13 the agenda dealing with Waste Prevention and Market
14 Development. Now we'll go to Permits, and the first
15 permit, Item Number 25. Same admonition to the Permits
16 Department that we are under time constraint, not to
17 fudge anything that may be informative for the Board or
18 the public, but we are going to break promptly at noon to
19 accommodate this afternoon's schedule as well as other
20 scheduling, so if we could begin on Item Number 25.

21 MS. NAUMAN: Thank you, Mr. Chairman and
22 Members. Julie Nauman, Deputy Director of the Permitting
23 and Enforcement Division. Not to prolong this, but
24 hopefully in an effort to keep our discussion focused
25 this morning, let me make a couple of opening comments on

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1 the Permits section this morning.

2 We have a total of six permits that you'll be
3 seeing as well as some other assorted P and E items, but
4 of those permits, four of the permits have a conformance
5 issue that remains unresolved. And you may recall that
6 as part of the permit application preparation and
7 submittal process, our LEAs are required to certify that
8 the proposed permit does, in fact, conform to the County
9 Integrated Waste Management Plan.

10 There have been questions raised for some time
11 over what actually constitutes conformance, and very
12 simply stated, the two sides of this is is it a dot on
13 the map or does conformance require that the details of
14 the siting element or NDFE match the proposed permit.
15 And since January, we've been operating under a directive
16 of the Board to bring items forward to you for your
17 review and consideration on a case-by-case basis where
18 there is not an exact match between the proposed permit
19 and the element of the jurisdiction.

20 In an effort to give you some sense of how we've
21 been doing with this process, we prepared a little
22 preliminary review for you that Mark will pass out to you
23 now and there are a few copies in the back that give you
24 an idea over the last year the number of permits that
25 we've brought before you where conformance has been

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1 undetermined and the order of magnitude of those
2 discrepancies between the proposed permit and the local
3 element, whether it be a siting element or an NDFE.
4 You'll see in the far right-hand column where we have
5 differences, what those tonnage differences have
6 represented in the permits that you've acted on over the
7 last several months.

8 So I just offer that as some background to you
9 as you consider the permits where this is an issue. It's
10 also something we would like to address as we come
11 forward in the workshop-type setting that we've talked
12 about doing to review with you the whole permit and
13 enforcement process because this is a key element of the
14 whole discussion of what constitutes a complete
15 application package.

16 Thank you for your indulgence on that.

17 CHAIRMAN EATON: Is there any questions, just
18 general comments before we begin? Let me just ask a
19 question then.

20 You mentioned in your remarks that we had one
21 workshop on it, and I'm sure that the Board has had
22 previous workshops. Have we seen, since the Board -- and
23 I will say this in generosity -- agreed to hear some of
24 these items and that's where we did the intent and what
25 have you. Have we seen a proliferation of these items as

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1 opposed to ones that just popped up from time to time and
2 did we create our own monster? Right? Because in some
3 cases, they were popping up from time to time, I
4 remember, but I'm seeing far more of these that have
5 these discrepancies, and I just wonder did we sort of
6 create our own monster. And if so, is there something we
7 can do about that? I think that's -- short of actually

8 the issue, and that's all I want to find out.

9 MS. NAUMAN: Mark and I have briefly conferred
10 on this and his take on this is we haven't seen a real
11 increase, but I guess it really goes back to how were we
12 regarding these two years ago as opposed to a year and a
13 half ago, and we've got the list of the number of permits
14 where this has been an issue. And I think it really goes

15 back to previously where we were just taking a dot on a
16 map or were we looking for a detailed description.

17 So it's a difficult question to answer, but we
18 do have obviously a number of instances where this issue
19 has had to be decided by the Board. So we are continuing
20 to see permit applications where there is a discrepancy
21 between that permit application and the element.

22 CHAIRMAN EATON: But you mentioned January.

23 MS. NAUMAN: That was January of '99.

24 CHAIRMAN EATON: January of not this year.

25 MS. NAUMAN: January '99 was when this process

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1 started, and we went back on this preliminary review only
2 back to May of '99 just because we had a limited amount
3 of time to conduct this analysis and chose that as the
4 starting point just to give you an idea, but certainly
5 there were others between January and May of '99.

6 BOARD MEMBER JONES: Mr. Chairman.

7 CHAIRMAN EATON: Mr. Jones.

8 BOARD MEMBER JONES: I think we're going to end
9 up having this debate at some time, but I think prior to
10 that date, under 5000 or 50001 the law said that the
11 facility will -- the location of the facility will be
12 identified in the siting element and the NDFE. It was
13 only after AB 1220 when that language changed to say -- I
14 don't know if it changed on purpose or if it just changed
15 to say a description, and then it becomes an issue of
16 what's a description? The dot -- the location or
17 whatever?

18 But I think it's interesting to note that we've
19 had permits come forward that were identified in the
20 siting element and in the NDFE where no tonnages were
21 part of the NDFE or the siting element and those were
22 deemed to be compliant. And you know, that just goes to
23 the issue of -- it's an arbitrary term. We're -- how
24 we're going to determine that word "description" because
25 we had Ventura in here today that is revising a siting

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1 element that has taken over two years to get through the
2 process.

3 So if you have a facility that is identified in
4 an NDFE as a 50-ton-a-day transfer station and it wants
5 to increase to 75 tons a day, do you go back out because
6 that's a process where the locals -- and I know we're
7 going to have this debate, but I think that that is
8 really the heart of the issue, is that this thing, by
9 law, when all of these NDFEs and siting elements were
10 written said the location. And that went through
11 majority majority to come forward.

12 And then subsequently language in another bill,
13 whether it was intended or not, has created the dialogue
14 about what is a description, and that's why I think a lot
15 of these jurisdictions come forward confused because they
16 did the NDFE and siting element originally under the
17 terms of location. Right? I mean --

18 MS. NAUMAN: That's true, although we have seen
19 a number of jurisdictions who have chosen to amend their
20 NDFE or their siting element prior to coming before the
21 Board to revise their permit so it is a mix.

22 BOARD MEMBER JONES: No, I understand, but
23 they're doing it because they know it's an issue here at
24 this Board. Right? It's not -- I mean, I don't know
25 what goes through all these guys' minds, but I would

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1 assume if they see the discussion taking place at this
2 Board, it probably -- especially when you have a
3 jurisdiction that means one county, one city, two cities,
4 that's a no-brainer, takes ten minutes.

5 But you go into some of these other
6 jurisdictions where that document's got to be circulated
7 to every city council and the board of supervisors, it is
8 an issue. And I think at some point we need to resolve
9 that issue just to give guidance to the LEAs.

10 CHAIRMAN EATON: Any other questions, comments
11 before we get into the actual permits? Hearing none,
12 Item Number 25. Thank you.

13 MS. NAUMAN: Mr. Chairman, Item 25 is
14 consideration of a new full solid waste facility permit
15 for the Victor Valley Regional Composting Facility in San
16 Bernardino County and Dianne Ohiosumua will be presenting
17 the item.

18 MS. OHIOSUMUA: Mark Stevens of San Bernardino
19 County's Local Enforcement Agency will be discussing
20 agenda Item Number 25 today.

21 The proposed permit is to allow the operation of
22 a new mixed solid waste composting facility. California
23 Biomass, Inc. proposes to operate a composting facility
24 on 50 acres that is owned by the Victor Valley Waste
25 Water Reclamation Authority. The proposed project sets

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1 the maximum daily tonnage at 7,500 tons per day.

2 The proposed permit was presented to the Board
3 at the February 23rd-24th, 2000 board meeting. However,
4 the Board did not take action on the permit because the
5 environmental document had not been properly circulated.
6 The Board directed staff to assume the role of lead
7 agency for this project to circulate the document
8 developed by Victor Valley Waste Water Regional
9 Authority. Board staff circulated the environmental
10 document and no comments were received.

11 Since this item was prepared, a revised proposed
12 permit was received on April 14th, 2000. Board staff
13 received a proposed permit to allow the operator to
14 downsize the project from 350,000 cubic yards to 270,000
15 cubic yards. This change is within the parameters
16 described in the environmental document and the
17 Non-Disposal Facility Element. Copies of the revised
18 proposed permit are available at the board meeting today.

19 The proposed permit also shows Dan Avera as the
20 acting director since Pam Bennett retired last month.

21 Board staff and the LEA have determined that all
22 the requirements for the proposed permit have been met,
23 but since the Board approved the Integrated Waste
24 Management Plan for the County of San Bernardino in 1997
25 and the amended Non-Disposal Facility Element in February

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1 2000, the new facility is in conformance with Public
2 Resource Code Section 50001.

3 The proposed design and operation, as described
4 in the new report of composting site information and
5 amendments thereof, would allow for facility operations
6 in compliance with state minimum standards; that all of
7 the outstanding California Environmental Quality Act
8 Issues have been resolved; that the California
9 Environmental Quality Act document State Clearing House
10 Number 1999111005 was cited as evidence of compliance.

11 At this time, staff would recommend adoption of
12 Permit Decision Number 2000-195, concurrence in the
13 issuance of Solid Waste Facility Permit Number 36-AA-0403
14 for the Victor Valley Regional Composting Facility.

15 The representative of California Biomass is in
16 the audience and available to answer any questions you
17 may have. Mark Stevens with the LEA is also available to
18 answer any questions.

19 That concludes staff's presentation.

20 BOARD MEMBER JONES: Mr. Chairman.

21 CHAIRMAN EATON: Mr. Jones.

22 BOARD MEMBER JONES: Just a question before I
23 make a motion. The first line of the title under the
24 resolution says "consideration of a new full solid waste
25 facility permit." Is that what it is or is it a

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1 composting permit?

2 MR. DE BIE: Mark DeBie with the Permitting and
3 Inspection Branch. It is a full solid waste facility
4 permit for a composting facility.

5 BOARD MEMBER JONES: Okay. No problem.
6 Mr. Chairman.

7 CHAIRMAN EATON: Mr. Jones.

8 BOARD MEMBER JONES: I would like to move
9 adoption of Resolution 2000-195, consideration of a new
10 full solid waste facility permit for the Victor Valley
11 Regional Composting Facility in San Bernardino County.

12 BOARD MEMBER MOULTON-PATTERSON: I'll second.

13 CHAIRMAN EATON: All right.

14 Mr. Jones moves and Ms. Moulton-Patterson
15 seconds we adopt Resolution 2000-195. This is the permit
16 area. Madam Secretary, please call the roll.

17 BOARD SECRETARY: Board Members Jones.

18 BOARD MEMBER JONES: Aye.

19 BOARD SECRETARY: Moulton-Patterson.

20 BOARD MEMBER MOULTON-PATTERSON: Aye.

21 BOARD SECRETARY: Roberti.

22 BOARD MEMBER ROBERTI: Aye.

23 BOARD SECRETARY: Chairman Eaton.

24 CHAIRMAN EATON: Aye.

25 Item Number 26.

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1 MS. NAUMAN: This item of consideration of a new
2 standardized permit for the Miramar Greenery and
3 composting facility in San Diego County, and this item
4 will be presented by Tadese Gebre-Hawariat.

5 MR. GEBRE-HAWARIAT: Good morning. I'll begin
6 my presentation. I'd like to report with us today are
7 also Mr. Paul Manasjan, Program Manager for the City of
8 San Diego Local Enforcement Agency, or LEA, and Mr. Steve
9 Greely of the City of San Diego Environmental Services
10 Department, the operator of the facility. Both are here
11 to answer any questions that the Board Members may have
12 on the proposed permit.

13 The proposed permit is to allow for the
14 operation of a new green waste materials composting
15 facility under the terms and conditions of a standardized
16 permit. As we've indicated in the agenda item, almost
17 all of the requirements for the proposed permit have been
18 met, among others the environmental -- requirements for
19 the California Environmental Quality Act, or CEQA, have
20 been met.

21 Board staff conducted a prepermit inspection
22 with the LEA of the facility and the proposed design and
23 operation of the new facility are consistent with the
24 applicable state minimum standards. The one outstanding
25 permit violation that was cited by the LEA because the

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1 composting operation of the Greenery was started before
2 rewriting the permit for the waste Miramar. Sanitary
3 Landfill will be corrected upon Board concurrence with
4 the proposed permit and subsequently issued by the LEA.

5 However, as we've also indicated in the agenda
6 item, there is an issue with regard to the consistency of
7 the proposed permit with the City of San Diego
8 Non-Disposal Facility Element, or NDFE. Specifically,
9 the Board's Office of Local Assistance, or OLA, have
10 determined that the approximately 144,000 tons of green
11 waste that is projected to be received at the facility
12 annually exceeds the 100,000 annual tonnage projected in
13 the NDFE.

14 I believe all staff are present to discuss the
15 issue further if the Board would like.

16 BOARD MEMBER ROBERTI: Mr. Chairman.

17 CHAIRMAN EATON: Senator Roberti.

18 BOARD MEMBER ROBERTI: Yes. Mr. Chairman, I'm
19 interested as to why you are not seeking a change in the
20 NDFE as well because I take it there's a rather
21 significant discrepancy between the permit and the
22 Non-Disposal Facility Element that allows, I believe,
23 100,000 tons a year and you're seeking 144,000.

24 MR. GREELY: Are you asking --

25 BOARD MEMBER ROBERTI: Yes, if somebody can

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1 answer it for me.

2 MR. GREELY: Thank you, Chairman Eaton and Board
3 Members and Senator Roberti. I do have a presentation to
4 make on the whole area, if you like, but to answer that
5 question specifically, this process -- I'm sorry. Steven
6 Greely with the -- Recycling Program Supervisor with the
7 City of San Diego and I'm the Program Manager for this
8 particular project.

9 To revise the NDFE would take several months to
10 go back through the -- notifying the local agencies and
11 coming back up through city council down in San Diego and
12 up to the Board, and we've been in the process for two
13 years of revising the NDFE and getting the permit. So
14 it's just a matter of expediency from our point of view
15 of just getting the permit and we felt we were on solid
16 ground based on the information that we had.

17 BOARD MEMBER ROBERTI: That's a pretty large
18 discrepancy. That's the problem -- not discrepancy,
19 divergence.

20 MR. GREELY: I can address that, if you like.

21 BOARD MEMBER ROBERTI: Yes.

22 MR. GREELY: The difference is that the way we
23 read the NDFE is that -- the NDFE regulations was it was
24 meant to describe the facility, and in our amendment we
25 clearly state that the current capacity of the facility

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1 is 100,000 tons per year.

2 The 144,000 tons request on the permit was to
3 account for the increase in the curbside recycling
4 program for greenery collection. We are currently at
5 about 45 percent of the homes in the city. When we're
6 citywide, that's when we see the tonnage going up to
7 about 144,000 tons and that will be starting in 2002, is
8 when we plan on expanding the greenery curbside
9 collection program.

10 BOARD MEMBER ROBERTI: But when the -- who will
11 be taking that in? The NDFE will be taking that in; am I
12 right? The non -- the facility will be taking that.

13 MR. GREELY: Correct.

14 BOARD MEMBER ROBERTI: This -- does this affect
15 any notice requirements or whatever that the people in
16 the area would normally get?

17 MR. GREELY: The greenery facility is in the
18 center of the -- geographic center of the city and of the
19 landfill, and the tonnage that we would be getting in is
20 already coming into that landfill, going down into the
21 hole and being buried. What we're proposing -- what we
22 would be doing is instead of having those trucks coming
23 up to the greenery with just green waste and bringing it
24 to the compost facility. So it wouldn't be any
25 difference in the number of trips coming into the

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1 greenery based on that tonnage. It would just be coming
2 up --

3 BOARD MEMBER ROBERTI: The facility is in the
4 middle of the landfill right now?

5 MR. GREELY: Correct. Yes.

6 BOARD MEMBER ROBERTI: And you have no
7 intentions of seeking a revision of the NDFE?

8 MR. GREELY: No. We're perfectly willing to do
9 that. We just didn't want to delay the permit, if we
10 could.

11 CHAIRMAN EATON: Could I ask a question just on
12 a comment you made to follow up? You mentioned that you
13 weren't going to start the program until 2002?

14 MR. GREELY: The expansion of the curbside
15 greenery program, correct.

16 CHAIRMAN EATON: Okay. So do you need the
17 tonnages now? I'm just trying to figure out, are we
18 coming in with the cart way before the horse. If you're
19 not going to do something until 2002, then the argument
20 that whether it's a dot or not going back doesn't seem to
21 be appropriate and I'm just wondering. If there's a
22 necessity, I don't have a problem with that. Two years
23 from now, why are you getting a permit that we would come
24 back? It seems like awful far in advance, but stranger
25 things have happened.

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1 MR. GREELY: Our landlord is the U.S. Navy and
2 it sometimes takes over a year to get a very simple piece
3 of paper through their system, and we would need to
4 notify them on this permit so that -- we're going through
5 the process now, we just looked ahead.

6 MR. DE BIE: To further add to the response to
7 the Senator's question, in terms of noticing, this
8 project was subject to CEQA process and so I believe the
9 tonnages, if not more, that are being approved by this
10 permit were described fully in the document, the CEQA
11 document that was circulated for public review.

12 BOARD MEMBER JONES: Question.

13 CHAIRMAN EATON: Mr. Jones.

14 BOARD MEMBER JONES: Because this is on a
15 military base, this goes through CEQA and NEPA?

16 MR. GREELY: I can't answer that question for
17 you. Sorry.

18 MR. DE BIE: It was a CEQA document that was
19 being used for this approval. If the military had some
20 sort of approval over the project, they might, maybe. If
21 there was a change in the lease that needed to occur then
22 they would probably be subject to NEPA, but it's my
23 understanding that that's not necessary for this project.
24 I may be off, but typically if we see a document it will
25 indicate it's being used for both NEPA and CEQA and this

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1 was just a specific CEQA document.

2 MS. TOBIAS: It may be that their previous
3 documents on the landfill anticipated this type of
4 activity.

5 MR. GREELY: That's correct, actually.

6 MS. TOBIAS: So that would probably allow for it
7 and they probably did a finding of no significance on it.

8 BOARD MEMBER JONES: That's huge because if NEPA
9 had already addressed the issues of tonnages and stuff,
10 that's a process that makes -- that dwarfs CEQA. I mean
11 anybody that's played on federal lands knows that takes
12 forever. All right.

13 Mr. Chairman.

14 CHAIRMAN EATON: Mr. Jones.

15 BOARD MEMBER JONES: Hearing no other questions
16 or anything --

17 CHAIRMAN EATON: Are there?

18 BOARD MEMBER JONES: I'm going to move adoption
19 of Resolution 2000-197 with the appropriate findings to
20 indicate that the Board has found the proposed permit to
21 be consistent with CEQA, in conformance with the intent
22 of the County Integrated Waste Management Plan, meeting
23 all local and state permit requirements, consistent with
24 state minimum standards and, therefore, concurs in the
25 proposed permit.

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1 CHAIRMAN EATON: I have one more question before
2 the second.

3 BOARD MEMBER MOULTON-PATTERSON: I do, too.

4 CHAIRMAN EATON: Ms. Moulton-Patterson, please.

5 BOARD MEMBER MOULTON-PATTERSON: Before we vote
6 on this, I know I had asked a similar question in my
7 briefing about the tons and I was told that the outcome
8 in increasing this would make curbside recycling more
9 available to the city. Is that -- did I -- I'm looking
10 at my note here. Is that true?

11 MR. GREELY: That's correct. Without this extra
12 tonnage, we would not be able to expand the curbside
13 greenery program.

14 BOARD MEMBER MOULTON-PATTERSON: Thank you.

15 BOARD MEMBER ROBERTI: Mr. Chairman.

16 CHAIRMAN EATON: Senator Roberti.

17 BOARD MEMBER ROBERTI: How long would it take
18 to -- for to you come back to the Board with an amendment
19 to your Non-Disposal Facility Element?

20 CHAIRMAN EATON: Let me just ask one question
21 as a follow-up. It may help. I'm just reading the
22 agenda item and in June 1999 the stipulated order of
23 compliance was amended for the second time to allow the
24 operator to complete the work of amending the City's
25 Non-Disposal Facility Element. Did that ever take place?

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1 MR. MANASJAN: Can I answer that question?

2 CHAIRMAN EATON: Procedurally didn't you go out
3 to try and amend it already? That was a year ago.

4 MR. MANASJAN: My name is Paul Manasjan and I'm
5 with the City of San Diego LEA.

6 Let me give you a little bit of a history. Over
7 a year, two years ago yesterday, the LEA issued a notice
8 and order or stipulated order to the City to start the
9 permitting process to get this -- to get this facility
10 online with the standardized permit. Through that
11 process, they had to go through the -- to acquire NDFE.
12 They did so. In applying for the NDFE, it asked what is
13 the current capacity of the site. The site is a chipping
14 and grinding operation, was a chipping and grinding
15 operation for many years, and it was the LEA's
16 determination upon inspection at the end of '97 that they
17 had moved into the realm of composting, which requires a
18 solid waste facility permit.

19 So they were receiving this material at-site and
20 they were asked when they filled out the NDFE what is
21 your existing capacity. They answered the question
22 100,000 tons. Then they went through as part of the
23 permitting process and the CEQA review and the analysis
24 that that is subject to. They reviewed that for 144,000,
25 which went through the entire public review process.

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1 It's taken us two years to get to this point.
2 He mentioned the other conflicting -- well, not
3 conflicting but arduous task of getting the property
4 owner's permission, which took them about a year, just to
5 get them to sign the permit application.

6 So that's where we are today at this point. The
7 LEA makes a determination -- when we get a standardized
8 permit application, if you look at Title 14, we have to
9 look at -- if I can read the section of Title 14 that
10 talks about filing a permit application and our review of

11 that application, we review that application to make sure
12 that the facility is identified in either the County
13 Siting Element, the Non-Disposal Element or the Source
14 Reduction and Recycling Element for that jurisdiction.
15 The site is identified in that process.

16 The issue -- I'm a little bit confused as an LEA
17 and as many LEAs are on this issue with regards to the
18 capacity because when I look -- when I read the PRC, and
19 it says, "In reviewing the element or amendment, the
20 Board shall," and this is referring to the Non-Disposal
21 Facility Element, "A, not consider the estimated capacity
22 of the facility or facilities in the element or amendment
23 unless the Board determines that this information is
24 needed to determine whether the element or the amendment
25 meets the requirements of Article one," which is

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1 basically the waste diversion elements.

2 So in my mind, the LEA, the site is identified,
3 the application is complete, and that's why we have
4 brought this permit before you.

5 CHAIRMAN EATON: So it did complete the NDFE for
6 100,000 to answer my question.

7 MR. MANASJAN: Yes.

8 CHAIRMAN EATON: That answered my question. I
9 don't know whose question you are answering.

10 BOARD MEMBER ROBERTI: I still have a question
11 pending. How long will it take for it to be amended for
12 the NDFE to have 144,000?

13 MR. DE BIE: It could be as long as nine months.

14 MR. GREELY: Five to nine months.

15 MR. DE BIE: It goes to the TAC committee, then
16 it has to go --

17 BOARD MEMBER ROBERTI: TAC committee?

18 MR. DE BIE: Technical advisory committee, then
19 it has to go to the local task force, then it has the
20 public notification --

21 BOARD MEMBER ROBERTI: The local task force
22 which is?

23 MR. DE BIE: Which makes the finding that it is
24 consistent with the NDFE, then it has to go back to the
25 city council, and the city council has to approve it,

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1 then it has to come before this Board for approval. So
2 it could be --

3 BOARD MEMBER ROBERTI: There has to be notice?

4 MR. DE BIE: There is noticing, yes, and that
5 was one of the other problems. There was a question
6 whether it was -- one of the other delays in the process
7 was that there was a question whether or not there was
8 adequate noticing, and so the document, the NDFE, was
9 noticed for a second time.

10 BOARD MEMBER ROBERTI: That was 100,000.

11 MR. DE BIE: Right. Right.

12 BOARD MEMBER ROBERTI: In the NDFE.

13 MR. DE BIE: The other thing to understand. We
14 are -- this material is allowed to come to the site right
15 now and could be dumped --

16 BOARD MEMBER ROBERTI: I understand that, but
17 that is the case in many of the permits or elements that
18 we approve and we spent an awful lot of time as to
19 whether it should be expanded or not, the expansion being
20 a major issue.

21 MR. MANASJAN: Well, in this particular --

22 BOARD MEMBER ROBERTI: Let me tell you where my
23 mind set is. I want to vote for this but I don't want to
24 set a bad precedent and that is to approve permitting
25 elements that have not -- have not gone through all of

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1 the hoops, especially as far as public notification is
2 concerned.

3 And I understand what everyone is telling me,
4 that this is a facility within a facility, so to speak,
5 but for our purposes, come four or five months from now,
6 one year from now, two years from now, this is going to
7 be pointed out, "Well, Members, you did this in this
8 case," and then we have -- we have the situation where
9 it's just notice is being shortchanged. Notice is very
10 important and so I want somebody to help me so I'll feel
11 comfortable voting for this.

12 Myself, I don't right now simply because the
13 siting element, which appears to be a major -- have a
14 major discrepancy from the permit, hasn't been totally
15 noticed as far as its full capacity.

16 CHAIRMAN EATON: Perhaps maybe I can find the
17 point raised and that was the point I was trying to get
18 to at the beginning. Is there anything we can do as a
19 board to send out an LEA advisory that the Board would
20 not consider these permits or would not entertain these
21 permits or need to have these issues settled prior to
22 bringing the permit? That basically -- I don't know if
23 that's even possible, I really don't, but would that be
24 helpful? Because you said there's a split among the
25 LEAs. What you're looking for is just a way of

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1 clarification. I don't know if that's a road because we
2 do have these LEA advisories.

3 MR. DE BIE: If I could clarify that. I don't
4 believe there's a split among LEAs, and I think LEAs
5 pretty much have the same opinion about this as well as
6 the local level, that somehow this planning document is
7 being viewed as just another conditioning document of the
8 site, which in our minds it is not. It is a planning
9 document to be utilized by the local jurisdictions so
10 they can maximize their diversion potentials. And I
11 think when you read what is the purpose of an NDFE, it
12 goes into that, to help local jurisdictions meet their AB
13 939 goals.

14 If it is truly another conditioning document,
15 then I would anticipate it would have to go through the
16 CEQA process, which it does not, and with regards to the
17 public comment period, that was -- the 144,000 tons per
18 year was addressed in the -- through CEQA, and so there
19 was that avenue for the public to comment on as it would
20 for any solid waste facility permit.

21 So I think that issue of public notification has
22 been addressed at that tonnage. So I think what LEAs are
23 asking is more direction because I see -- again, when I
24 look at the PRC, I don't see -- I mean, if I could read
25 it again, "In reviewing the element or the amendment, the

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1 Board shall not consider the estimated capacity of the
2 facility." What does that mean? It certainly means
3 something to me, but it seems that we're not getting --

4 BOARD MEMBER ROBERTI: And again, that's in the
5 regulations?

6 MR. DE BIE: That's in statute.

7 BOARD MEMBER ROBERTI: As far as the NDFE?

8 MR. DE BIE: That's in regards, yes, to the
9 NDFE. I think I'm a little bit confused, too, because as
10 I understand it, we had this issue -- it was about two
11 years ago the Board directed staff to come to some kind
12 of resolution to explore what the problem was. And we
13 had workshops to address this issue. What is the meaning
14 of these local planning documents? Are they a dot on the
15 map? Are they intended to be conditioning documents?
16 And I think what I would like to see is some resolution
17 to that.

18 BOARD MEMBER ROBERTI: Again the statute says
19 that we are not to take into consideration the tonnage
20 capacity in these --

21 MR. DE BIE: In these planning documents.

22 BOARD MEMBER ROBERTI: In these planning
23 documents. That's news to me.

24 MS. NAUMAN: Mr. Chairman, that's -- and Senator
25 Roberti, that's in the context of reviewing the plans,

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1 which is a different part of the whole process than
2 looking at what ends up in the plan and matching that to
3 the proposed permit. So I think you have to look at the
4 purpose behind that statement of what the Board should be
5 looking at and not looking at, and it's in the context of
6 reviewing the plan as submitted by the jurisdiction.

7 CHAIRMAN EATON: Well, that's an interesting
8 thought. And this is not directed at you, but it is an
9 unfair question. I'll let everyone know it's an unfair
10 question, but I was handed a support letter by the City
11 of San Diego yesterday that basically argues the opposite
12 of what you're arguing, that these documents that you
13 talk about, the NDFE and the SRRE, are not planning
14 documents but are actual documents because you're
15 supporting a bill which basically is going to change the
16 burden of proof on this Board, as well as basically say
17 that if we implement what's in the SRRE, which is not
18 just a planning document, it's what it really is, that it
19 is okay. And so that's an inconsistent position of some
20 degree; is it not?

21 MR. MANASJAN: I often have an inconsistent
22 viewpoint of the operator.

23 (Laughter)

24 CHAIRMAN EATON: And it was an unfair question
25 and I intend to ask your city fathers that question

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1 whenever I have the opportunity, but just so you know.

2 That is an inconsistent position.

3 MR. MANASJAN: Can I just ask one more question?

4 I'm asking the questions here and I shouldn't be.

5 When it says in regulation that as far as the
6 LEA's responsibility, all I need to do is identify that's
7 it's in -- it doesn't say describe. We need to identify
8 that it's in the NDFE and that's all we have to do for
9 completion of the application. So I think LEAs do need
10 guidance on that. If that's not what it means, then if
11 it means more than just identify, we need guidance.

12 BOARD MEMBER JONES: Mr. Chairman.

13 CHAIRMAN EATON: Mr. Jones.

14 BOARD MEMBER JONES: I think it goes back to
15 what we talked about before that when these SRREs and
16 NDFEs were done as part of -- or the siting element,
17 there was no requirement to fully describe the facility.
18 It was to identify the facility. That was the law.
19 That's what this Board approved, and 688 or 1220 added a
20 word "describe." Does "describe" mean the address or
21 does it mean everything that goes on in the facility?

22 There is no clarification on that and that's
23 what this Board at some point is going to have to
24 determine, but it is clear to me we've got a CEQA
25 document that was circulated for 144,000 tons of green

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1 waste of this material, it took a year to get the
2 commanding officer of the Navy to sign off on the permit,
3 and it had been identified in the NDFE by address, if
4 nothing else. I don't know.

5 I made a motion. I haven't heard a second.

6 BOARD MEMBER MOULTON-PATTERSON: I'll go ahead
7 and second the motion.

8 CHAIRMAN EATON: All right. Let me see if I get
9 correct number on the motion. Item Number -- all right.

10 Mr. Jones moves and Ms. Moulton-Patterson
11 seconds that we adopt Resolution 2000-197.

12 Madam Secretary, please call the roll.

13 BOARD SECRETARY: Board Members Jones.

14 BOARD MEMBER JONES: Aye.

15 BOARD SECRETARY: Moulton-Patterson.

16 BOARD MEMBER MOULTON-PATTERSON: Aye.

17 BOARD SECRETARY: Roberti.

18 Chairman Eaton.

19 CHAIRMAN EATON: I was hoping he was going to
20 give a "no" vote and I would give a "no" vote and we
21 would have a balance.

22 BOARD MEMBER ROBERTI: I'm thinking. If the
23 motion goes down today, can we bring it back tomorrow?

24 CHAIRMAN EATON: The problem, Senator, is that
25 this is a permit and --

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1 MS. NAUMAN: You've got until April 19th, so you
2 have tomorrow.

3 BOARD MEMBER JONES: I have a question.
4 There's -- if this thing does not have four affirmative
5 votes but it doesn't have four votes to not allow, then
6 the LEA issues the permit in 60 days; correct?

7 BOARD MEMBER ROBERTI: It makes us very
8 relevant.

9 (Laughter)

10 BOARD MEMBER JONES: Four to deny works.

11 CHAIRMAN EATON: I was going to help you out so
12 the issue is joined.

13 BOARD MEMBER ROBERTI: I don't want to vote "no"
14 but in my own mind I don't want our planning documents to
15 be almost irrelevant because I'm very fearful of the
16 precedent we're going to be setting, not so much on this.
17 I understand a facility within a facility, but in the
18 future I can just see that we're going to be told without
19 knowing the specifics of this case that we did it in
20 such-and-such a situation. No one is going to remember
21 why and we're going to have planning documents that why
22 even bother to go through the exercise. So I --
23 especially so far as it relates to notice, which I think
24 is something that's very important that sometimes gets a
25 short shrift.

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1 CHAIRMAN EATON: Well, perhaps -- is there any
2 validity with regard to the advisory? Is there any
3 possibility there to accommodate the fact or can we work
4 with the LEAs? Or otherwise I'm happy to schedule
5 something for either the next board meeting or the
6 following board meeting to take up the issue --

7 BOARD MEMBER ROBERTI: If it goes down,
8 frankly --

9 CHAIRMAN EATON: They get it.

10 BOARD MEMBER ROBERTI: They get it anyway, and I
11 think San Diego is a beautiful place and I love the city,
12 so I want to make a point without --

13 BOARD MEMBER JONES: Mr. Chairman.

14 BOARD MEMBER ROBERTI: -- necessarily causing
15 any undue angst.

16 BOARD MEMBER JONES: I agree with your
17 notification issue and that's why it's part of my motion
18 I brought up -- or part of the discussion after the
19 motion that this 144,000 tons had gone through CEQA and
20 clearly had been noticed and clearly had been -- the
21 element of notification was dealt with, and I think
22 you're right. We do need to have this item probably in
23 two or three months because prior to 1220 this wouldn't
24 have been a discussion. You know what I mean?

25 So I understand your sensitivity, we just happen

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1 to see it differently, and that's okay.

2 MS. NAUMAN: Mr. Chairman, to address your
3 suggestion about the advisory, certainly the LEA advisory
4 is a tool or a mechanism we have available to us to
5 communicate and to provide some guidance to our LEAs and
6 we can use that mechanism, but we need to have your
7 direction on what it is you want to advise the LEAs with
8 regard to this while the issue remains unresolved by the
9 Board as a policy issue.

10 CHAIRMAN EATON: Well, very simply, I believe
11 that the planning documents, to the extent possible, can
12 be corrected prior to issuing their documents for
13 completeness. And what that would mean is when you know
14 you've got a CEQA document at 144,000 and you've got an
15 NDFE at 100,000 and you've got intervening time between,
16 that you make the reasonable efforts to solve that issue
17 while the Board has to resolve it. That's all we're
18 asking.

19 I think that's at least a fair way and that's
20 what we had intended basically on this case-by-case basis
21 to look at some of those because there were issues that
22 popped up. In this case you've got some military
23 considerations that weigh in the balancing of efforts,
24 which I understand completely, and on the other hand
25 you've got some situations wherein that negate against

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1 the fact that it's going to be two years out. It's not
2 close in time.

3 It's a balancing test and all I'm trying to do
4 is say if we can help with the LEAs while we do resolve
5 it, that I think it's incumbent on them in their
6 completeness to work with us, and as I met with the
7 leader yesterday, he said he would work with us on a
8 number of issues just so that we can get that resolved to
9 the extent possible. I know that's not always possible.
10 I think that's what we're looking for.

11 BOARD MEMBER JONES: Mr. Chairman, I love your
12 idea of having this come up as an item in a couple of
13 months or whatever so we can have that full discussion so
14 we can offer staff, whatever, the majority of this Board
15 how they want to deal with this thing. So I would
16 support that in a couple of months.

17 CHAIRMAN EATON: I've got one support for the
18 item, and anything on the LEA advisory? The roll is
19 still open by the way.

20 MS. NAUMAN: I don't hear anything.

21 CHAIRMAN EATON: All right. So then, why don't
22 I make a substitute motion, while -- can I do that during
23 the time that the vote is -- there's already a roll call
24 for it. I don't think I can do that.

25 All right. I would move that substitute

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1 motion, that we advise our staff to issue an LEA advisory
2 that when considering items, whether they be within the
3 NDFE or other planning documents, and there's
4 inconsistencies, that to the extent possible that those
5 issues be resolved prior to coming to the Board in a
6 reasonable time that those documents can be recirculated
7 or reviewed or revised, and that it will be the Board's
8 intent to look at those items to see if those reasonable
9 efforts were made. If they aren't, we will not approve
10 those permits, and that, per Mr. Jones's suggestion, that
11 within 90 days we bring the matter to a head before the
12 Board once and for all so that the advisory will probably
13 be in effect for 90 days, which will take you 90 days to
14 do it. Right. But we know you can move up that time
15 frame.

16 MS. NAUMAN: We will try.

17 CHAIRMAN EATON: Okay. That's the motion.

18 Silence is golden.

19 BOARD MEMBER MOULTON-PATTERSON: I'll second it.

20 CHAIRMAN EATON: Mr. Eaton moves and

21 Ms. Moulton-Patterson seconds that.

22 Madam Secretary, please call the roll on the
23 substitute motion.

24 BOARD SECRETARY: Board Members Jones.

25 Moulton-Patterson.

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1 BOARD MEMBER MOULTON-PATTERSON: Aye.

2 BOARD SECRETARY: Roberti.

3 BOARD MEMBER ROBERTI: Aye.

4 BOARD SECRETARY: Chairman Eaton.

5 CHAIRMAN EATON: Aye.

6 Okay. That motion fails for lack of form and

7 we're back to the original motion.

8 MS. NAUMAN: Mr. Chairman, one other suggestion.

9 CHAIRMAN EATON: We're dead. Madam Secretary,

10 please call the roll one more time.

11 BOARD MEMBER JONES: On which one?

12 CHAIRMAN EATON: On the original motion. That's

13 what we're on.

14 BOARD SECRETARY: Board Members Jones.

15 BOARD MEMBER JONES: Aye.

16 BOARD SECRETARY: Moulton-Patterson.

17 BOARD MEMBER MOULTON-PATTERSON: Aye.

18 BOARD SECRETARY: Roberti.

19 BOARD MEMBER ROBERTI: This is the original

20 motion?

21 CHAIRMAN EATON: Original motion.

22 BOARD SECRETARY: Chairman Eaton.

23 CHAIRMAN EATON: I'll say "aye." It doesn't

24 matter. All right.

25 BOARD MEMBER JONES: That's how they get the

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1 permit by default.

2 BOARD MEMBER ROBERTI: What's the deadline date
3 for that?

4 CHAIRMAN EATON: The 19th, which is tomorrow.

5 MS. TOBIAS: Mr. Chair, I think that Board
6 Member or Senator Roberti should probably abstain from a
7 vote. If he's -- whatever he's doing, he should probably
8 either vote or say that he's abstaining from a vote.

9 Well --

10 BOARD MEMBER ROBERTI: Fine. I don't mind.

11 MS. TOBIAS: That's off the top of my head a
12 suggestion.

13 BOARD MEMBER ROBERTI: I abstain.

14 MS. TOBIAS: I'm just thinking for the record
15 that we have four Board Members here, which establishes a
16 quorum. You've got a motion on the floor and you've got
17 three people voting with no indication of --

18 BOARD MEMBER ROBERTI: Can I be recorded as an
19 abstention? I abstain, yes.

20 MS. TOBIAS: Which means that this permit would
21 be issued by the LEA and approved by operation of law,
22 failing to achieve four votes from the Board.

23 BOARD MEMBER ROBERTI: If I could explain my
24 abstention, my formal reason for the abstention is simply
25 that I see merit in San Diego's case. However, I think

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1 especially for purposes of notice that I would prefer
2 that the administrative processes be followed.

3 CHAIRMAN EATON: All right.

4 Next item, Item Number 27.

5 MS. NAUMAN: Item 27 is consideration of a
6 revised solid waste facility permit for Independence
7 Landfill in Inyo County. Mike Keffer will be presenting
8 this item.

9 MR. KEFFER: Good morning, Chairman Eaton and
10 Members of the Board. My name is Michael Keffer. I'm a
11 Waste Management Specialist in the Board's Permitting and
12 Inspection Branch.

13 Today I offer for your consideration a proposed
14 revision to the solid waste facility permit for
15 Independence Landfill in Inyo County. This facility has
16 been operating for the past 21 years under a permit
17 issued by the Board in 1979.

18 The revised permit presented today includes the
19 following significant changes to that 1979 permit: An
20 increase in the size of the facility acreage from 40
21 acres to 90.54 acres; the establishment of a waste
22 disposal area of 18.42 acres; an increase of 22 years in
23 the estimated site life, that's from 2016 to 2038; the
24 establishment of operating hours, specifically nine hours
25 per day, five days per week, which represents a decrease

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1 in the hours of operation allowed in the 1979 permit.

2 To make this particular item a brief one, CEQA
3 examination, examination of the preliminary closure
4 post-closure plans, examination of the proposed permit by
5 the Office of Local Assistance for consistency with the
6 siting element, consideration by the Board's financial
7 assurances section, and also an inspection of the
8 facility have all been approved and been found in
9 consistency with those documents.

10 Therefore, staff recommends the Board adopt
11 Permit Decision 2000-119, concurring in the issuance of a
12 solid waste facility permit, 14-AA-004, for Independence
13 Landfill.

14 A representative from the LEA's office and from
15 the operator were hoping to be here today, but because of
16 weather conditions in the mountains they were unable to
17 make the trip.

18 If there are any questions, I would be willing
19 to answer them at this time.

20 CHAIRMAN EATON: Any questions of staff?

21 BOARD MEMBER JONES: Mr. Chairman.

22 CHAIRMAN EATON: Mr. Jones.

23 BOARD MEMBER JONES: I would like to move
24 adoption of Resolution 2000-199.

25 CHAIRMAN EATON: All right.

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1 BOARD MEMBER JONES: And it's completely
2 conformance-wise; right?

3 BOARD MEMBER MOULTON-PATTERSON: I'll second
4 that.

5 CHAIRMAN EATON: Mr. Jones moves and
6 Ms. Moulton-Patterson seconds that we adopt Resolution
7 2000-199.

8 Madam Secretary, please call the roll.

9 BOARD SECRETARY: Board Members Jones.

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY: Moulton-Patterson.

12 BOARD MEMBER MOULTON-PATTERSON: Aye.

13 BOARD SECRETARY: Roberti.

14 BOARD MEMBER ROBERTI: Aye.

15 BOARD SECRETARY: Chairman Eaton.

16 CHAIRMAN EATON: Aye.

17 Item Number 28. Just for everyone in the
18 audience, we're going to complete through Item 30 so they
19 can get through, and then we have a presentation for two
20 retiring members which we need to do and then one of our
21 Board Members does have to leave. So if we could kindly
22 get to the heart of the matters, if there's any --

23 MS. NAUMAN: Item 28 is consideration of a
24 revised solid waste facility permit for the Johnson
25 Canyon Sanitary Landfill in Monterey County. Laura Niles

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1 is making the presentation.

2 MS. NILES: Good morning. This item regards the
3 consideration of the revised solid waste facility permit
4 for Johnson Canyon Landfill in Monterey County. The
5 proposed facility would be owned and operated by the
6 Salinas Valley Waste Authority. The proposed facility
7 will be permitted for a maximum 300 tons per day.

8 The finding for the operator's financial
9 assurance mechanism has been met since the item went to
10 print. Additionally, the LEA has met the criteria for
11 the Board's long-term gas violation policy, which is to
12 have a compliance order issued and milestone dates in
13 that compliance order. In relation to the conformance
14 finding, the Board staff states that the facility is
15 described in the Countywide Siting Element. However, the
16 description states it is permitted at 101 tons per day
17 with an average of 139 tons per day.

18 That section of the Countywide Siting Element
19 did not describe the potential expansion and does not
20 state a maximum daily tonnage. Therefore, the Board's
21 Office of Local Assistance was unable to make a finding
22 that the permit is consistent with the Countywide Siting
23 Element. The Office of Local Assistance's review does
24 indicate the County will maintain a 15-year planned
25 disposal capacity if this proposed permit is issued.

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1 In conclusion, if the Board is able to make the
2 conformance findings, staff recommend that the Board
3 adopt Resolution 2000-200, concurring in the issuance of
4 Solid Waste Facility Permit Number 27-AA-0005.

5 CHAIRMAN EATON: Any questions?
6 Senator Roberti.

7 BOARD MEMBER ROBERTI: I think this is similar
8 to the last one because they're not -- because the
9 jurisdiction in Monterey County is not seeking a change
10 in the siting element; am I correct?

11 MS. NAUMAN: That is correct.

12 BOARD MEMBER ROBERTI: In the past my
13 recollection is -- maybe I'm wrong. Generally they seek
14 the change in both either the siting element and the
15 permit. In this case I just don't understand why the
16 one's not done.

17 MS. NILES: Mr. John Jennings representing the
18 Local Enforcement Agency is here to speak to that issue
19 and he's at the table.

20 MR. JENNINGS: Yes, we are looking into that
21 issue. We realize our siting element does not mirror our
22 solid waste facility permit. We're looking for guidance
23 from the state, also, what should be contained in the
24 siting element. We don't want to be overly specific in
25 what we put in there so every time there's a minor change

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1 that we would have to go back and amend our siting
2 element.

3 BOARD MEMBER ROBERTI: I understand that, but
4 you're asking for a change in tonnage from 175 to 300
5 tons a day. That strikes me as a lot.

6 MR. JENNINGS: That's correct, but this will not
7 have an effect on our 15-year capacity for the site.

8 BOARD MEMBER ROBERTI: Okay.

9 MR. JENNINGS: There's no potential threats to
10 the environment. We have no opposition from neighboring
11 jurisdictions.

12 BOARD MEMBER ROBERTI: How about neighbors?

13 MR. JENNINGS: We haven't had any opposition.

14 BOARD MEMBER ROBERTI: Have they been noticed?

15 MR. JENNINGS: Yes, they have.

16 BOARD MEMBER ROBERTI: That normally happens
17 when you have a change --

18 MR. JENNINGS: Right.

19 BOARD MEMBER ROBERTI: -- of this proportion.

20 MR. JENNINGS: We have a CEQA document that has
21 gone through the public review process for this higher
22 tonnage.

23 BOARD MEMBER ROBERTI: You do?

24 MR. JENNINGS: Yes.

25 BOARD MEMBER ROBERTI: Would your motion --

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1 well, we didn't pass your motion.

2 CHAIRMAN EATON: I will entertain one.

3 BOARD MEMBER ROBERTI: I do tend to think we
4 ought to have, both in the siting elements and in the
5 Non-Disposal Facility Elements -- the siting elements, I
6 would say just in general that I think the reluctance of
7 some local governments to do just what the gentleman
8 stated and that is the reluctance to be too specific is
9 part of the problem, and it would be nice if maybe we had
10 staff come back as to -- maybe to elucidate for us and
11 for applicants what the specificities that are required
12 are. Maybe we have that. Maybe just to refresh all of
13 us it would be very, very helpful.

14 So I guess I would make a motion that say in
15 three months' time staff reports to the Board on the
16 whole general issue of discrepancies between the siting
17 elements, including NDFEs for the prior case, and permits
18 and what is required within the siting elements for our
19 discussion.

20 CHAIRMAN EATON: Do you want that --

21 BOARD MEMBER ROBERTI: I'm offering that as a
22 motion.

23 CHAIRMAN EATON: And Senator, do you want that
24 as a consideration item, that we would actually vote on a
25 policy at that time or do you want to hear the

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1 information?

2 BOARD MEMBER ROBERTI: No, I want the
3 information brought back to us.

4 CHAIRMAN EATON: First, and then --

5 BOARD MEMBER ROBERTI: Including, including
6 information on those where we have granted a divergence
7 from the siting element, in those cases where the
8 jurisdiction said that they were going to -- in those
9 cases where a jurisdiction has asked for a change in the
10 siting element where they actually made those changes.

11 BOARD MEMBER MOULTON-PATTERSON: Second.

12 CHAIRMAN EATON: All right.

13 Senator Roberti moves and Ms. Moulton-Patterson
14 seconds that the Board report back within 90 days
15 regarding discrepancies between various planning
16 documents as well as those that may have come prior
17 thereto and an update on what the status are of those as
18 well.

19 Madam Secretary, please call the roll.

20 BOARD MEMBER JONES: Can I ask a question?

21 CHAIRMAN EATON: Sure.

22 BOARD MEMBER JONES: Part of what I heard the
23 Senator say, the first part of that motion was what are
24 the requirements.

25 BOARD MEMBER ROBERTI: The requirements, yes.

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1 BOARD MEMBER JONES: Of the siting elements, the
2 NDFEs, and then what is the process that a permit goes
3 through.

4 BOARD MEMBER ROBERTI: Right. Right.

5 BOARD MEMBER JONES: That I think lays out --
6 and I'm glad that that was at the beginning of your
7 motion because that lays out how these things fit
8 because, you know, what's the snapshot and what's the big
9 picture. Perfect.

10 BOARD MEMBER ROBERTI: Absolutely.

11 MS. NAUMAN: Mr. Chairman, I just have a point
12 of clarification. The overview of the Board's actions
13 and those of the jurisdictions is as of the effective
14 date of this policy, this informal policy, have been
15 operating since January of '99, that that's what we'll be
16 going back to review.

17 CHAIRMAN EATON: Correct.

18 BOARD MEMBER ROBERTI: That's good enough. The
19 general policy.

20 BOARD MEMBER JONES: But as far as the policy,
21 how those things go --

22 BOARD MEMBER ROBERTI: How those things go.

23 BOARD MEMBER JONES: What it is like prior
24 because AB 939 and all the other laws and then what the
25 change was by that one word in 1220 because they were

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1 treated different and that's the problem. So is that --

2 MS. NAUMAN: Yes.

3 BOARD MEMBER JONES: -- cool? I just don't want
4 to focus it from word forward.

5 CHAIRMAN EATON: All right. Madam Secretary,
6 please call the roll on that motion.

7 BOARD SECRETARY: Board Members Jones.

8 BOARD MEMBER JONES: Aye.

9 BOARD SECRETARY: Moulton-Patterson.

10 BOARD MEMBER MOULTON-PATTERSON: Aye.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY: Chairman Eaton.

14 CHAIRMAN EATON: Aye. Okay.

15 Now we'll get to Mr. Jones.

16 BOARD MEMBER JONES: Mr. Chairman, I would like
17 to move adoption of Resolution 2000-200, consideration of
18 a revised solid waste facility permit for the Johnson
19 Canyon Sanitary Landfill in Monterey County with the
20 appropriate findings to indicate that the Board has found
21 the proposed permit to be consistent with CEQA; in
22 conformance with the intent of the CIWMP; meeting all
23 local and state permit requirements; and consistent with
24 state minimum standards.

25 CHAIRMAN EATON: All right.

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1 BOARD MEMBER ROBERTI: Mr. Chairman, on the

2 motion.

3 CHAIRMAN EATON: Senator Roberti. I'm sorry.

4 BOARD MEMBER ROBERTI: When is default day on

5 this one?

6 MS. NILES: April 30th.

7 CHAIRMAN EATON: Senator, that's one of the

8 problems we keep coming back to as we've all talked

9 amongst ourselves, is that the time frame by which we

10 are, as a Board, able to act upon permits of various

11 kinds. Some days it's 30. Some days it's 60. But if

12 you play your cards right, it's really only one board

13 meeting and that goes to the issue of completeness which

14 I know all of us share and we should enter into a

15 dialogue with the LEAs about how we resolve that issue.

16 That would give us additional ability to, if

17 issues did arise, basically not hear those matters where

18 there are issues that are raised such as we raised today

19 or other kinds of matters, and the issue of completeness

20 is a contentious one from what I'm told historically. I

21 did not participate in that, but I think it's one that we

22 can open up and look at again because it is causing, I

23 think, some problems just on a number of fronts, not just

24 this front right here.

25 So Mr. Jones moves -- I don't have a second.

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1 I'll second this one since you've been doing the job of
2 carrying the weight.

3 Mr. Jones moves and Mr. Eaton seconds that we
4 adopt Resolution 2000-200.

5 Madam Secretary, please call the roll.

6 BOARD SECRETARY: Board Members Jones.

7 BOARD MEMBER JONES: Aye.

8 BOARD SECRETARY: Moulton-Patterson.

9 BOARD MEMBER MOULTON-PATTERSON: Aye.

10 BOARD SECRETARY: Roberti.

11 BOARD MEMBER ROBERTI: I abstain.

12 BOARD SECRETARY: Chairman Eaton.

13 CHAIRMAN EATON: Aye.

14 Item Number 29.

15 MS. NAUMAN: Item 29 is consideration of a
16 revised solid waste facility permit for the McKittrick
17 Waste Treatment Site in Kern County. Chris Deidrick will
18 be making the presentation.

19 MR. DEIDRICK: Good morning, Board Members.
20 Also here today are Diane Wilson of the Kern County Local
21 Enforcement Agency and representing the operator,
22 Mr. Paul Wilmon of Waste Management, Incorporated and
23 Mr. Chris O'Hara, District Manager of the McKittrick
24 facility.

25 Agenda Item 29 is for consideration of a revised

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1 solid waste facility permit for McKittrick waste
2 treatment site. This is a Class II facility.

3 In summary, the proposed change will include the
4 fondling. There are five. There's an increase in the
5 permitted tonnage from 750 tons to 1180 tons per day;
6 increase in permitted disposal area from 6.9 to 27.1
7 acres; increase in the design capacity of the disposal
8 site from 314,000 cubic yards to 2,091,800 cubic yards;
9 and finally they're going to add grease trap solids to
10 the waste treated at the facility.

11 Board staff has determined that all the
12 requirements for the proposed permit have been fulfilled
13 except for one outstanding issue. Staff of the Board's
14 Office of Local Assistance determined that the proposed
15 permit is inconsistent with the Kern County Countywide
16 Siting Element. The proposed permit, as I've already
17 stated, will increase the tonnage of the facility to 1180
18 tons per day. As stated in the Countywide Siting
19 Element, the permitted daily tonnage for the facility is
20 750 tons per day.

21 In conclusion, if the Board finds that the
22 proposed permit is consistent with the intent of the
23 Countywide Integrated Waste Management Plan, staff then
24 recommends that the Board adopt Board Resolution Number
25 2000-201, concurring in the issuance of Solid Waste

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1 Facility Permit Number 15-AA-0105.

2 CHAIRMAN EATON: Any questions? All right.

3 BOARD MEMBER JONES: Mr. Chairman.

4 CHAIRMAN EATON: Mr. Jones.

5 BOARD MEMBER JONES: I have one quick question,
6 and I'm just wondering if the LEA has been -- we can't go
7 outside the boundaries without permits, and I hate
8 fighting like hell to go with this and then have somebody
9 make a determination and go outside that facility. So I
10 hope that that doesn't happen again. If the cowboys are
11 riding high, they just need to know that there's rules
12 and regulations.

13 MS. WILSON: I understand that. This was an
14 issue regarding an expansion of the current area. It was
15 contiguous with -- because they added to that same area,
16 waste was removed from Cell A and placed on top of Cell
17 A, and because that capacity had decreased to nil as of
18 February. And so we worked with the applicant and
19 developed constraints to allow him to move into that
20 contiguous area and use that area, but it will not happen
21 again.

22 BOARD MEMBER JONES: Mr. Chairman.

23 CHAIRMAN EATON: Mr. Jones.

24 BOARD MEMBER JONES: I'll move adoption of
25 Resolution 2000-2001 with the appropriate findings to

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1 indicate that the proposed permit is consistent with the
2 California Environmental Quality Act, in conformance with
3 the intent of the County Integrated Waste Management
4 Plan, meeting all local and state permit requirements,
5 and consistent with state minimum standards and,
6 therefore, concur in the proposed permit.

7 CHAIRMAN EATON: Mr. Jones, that was 2000-201;
8 correct? Not 2000-200.

9 BOARD MEMBER JONES: I'm sorry.

10 CHAIRMAN EATON: I want to make sure.

11 BOARD MEMBER JONES: You're right, 2000-201.

12 Sorry. I was thinking of a budget item.

13 CHAIRMAN EATON: I'll second the motion.

14 Mr. Jones moves and Mr. Eaton seconds we adopt
15 Resolution 2000-201. Madam Secretary --

16 BOARD MEMBER ROBERTI: Mr. Chairman.

17 CHAIRMAN EATON: I'm sorry.

18 BOARD MEMBER ROBERTI: What's the default date
19 on this one? It seems to be the same as the other two.

20 CHAIRMAN EATON: I apologize.

21 MS. NAUMAN: It's April 25th.

22 BOARD MEMBER ROBERTI: That's an eternity.

23 That's a whole week.

24 (Laughter)

25 BOARD MEMBER JONES: You won't have a quorum.

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1 I'll be out of the continental United States.

2 CHAIRMAN EATON: Rub it in, Mr. Jones.

3 (Laughter)

4 BOARD MEMBER JONES: Thank you.

5 BOARD MEMBER ROBERTI: Mr. Chairman, just --

6 CHAIRMAN EATON: -- some of those previous
7 motions.

8 BOARD MEMBER ROBERTI: Just on this motion as
9 the other ones, I'm going to abstain until we have some
10 more definitive statement of policy or elucidation to the
11 Board as to what both our parameters and the LEA's
12 parameters are on this, and I do so with the happy
13 knowledge that the jurisdictions can go forward.

14 CHAIRMAN EATON: Thank you. All right.

15 Madam Secretary, please call the roll.

16 BOARD SECRETARY: Board Members Jones.

17 BOARD MEMBER JONES: Aye.

18 BOARD SECRETARY: Moulton-Patterson.

19 BOARD MEMBER MOULTON-PATTERSON: Aye.

20 BOARD SECRETARY: Roberti.

21 BOARD MEMBER ROBERTI: Abstain.

22 BOARD SECRETARY: Chairman Eaton.

23 CHAIRMAN EATON: Aye. Okay.

24 Last item.

25 MS. NAUMAN: This is Item 30, consideration of a

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1 revised solid waste facility permit for the Buena Vista
2 Sanitary Landfill in Santa Cruz County, and Jeff Hackett
3 will be making the presentation.

4 MR. HACKETT: Good afternoon. I'd like to
5 preface that the Board is currently serving as the
6 enforcement agency for this jurisdiction.

7 BOARD MEMBER JONES: I'd do an LEA evaluation
8 immediately.

9 (Laughter)

10 BOARD MEMBER JONES: Hackett does a good job.

11 MR. HACKETT: The proposed permit is to allow
12 for the following changes in design and operation. First
13 is to incorporate a 2 percent annual waste generation
14 growth rate in calculating the permitted peak disposal
15 tonnage. Second is based on an updated property survey,
16 correct the total landfill acreage from 134 acres to 126
17 acres, and correct the current disposal footprint from 52
18 acres to 61 acres. The change in acreage reflects a
19 correction to the original estimate and is not considered
20 a lateral expansion.

21 Board staff conducted an inspection and no
22 violations were noted. Again, there's an issue with the
23 conformance finding. The landfill is identified in the
24 siting element. However, the staff Office of Local
25 Assistance determined that the proposed permit is not

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1 consistent with the description in the governing siting
2 element.

3 If the Board determines that the permit is
4 consistent with the intent of the siting element to
5 provide 15 years of capacity, staff recommend the Board
6 adopt Permit Decision Number 2000-202, concurring in the
7 issuance of Solid Waste Facility Permit Number
8 44-AA-0004.

9 CHAIRMAN EATON: All right. Any questions, any
10 issues? Senator Roberti.

11 BOARD MEMBER ROBERTI: This one is similar but
12 I'm going to vote for it mainly because the terminology
13 is unclear as between maximum daily tonnage and maximum
14 tonnage that could allow for a divergence. So the same
15 issue, but not really. So just to explain my vote, I
16 feel more comfortable with this one.

17 CHAIRMAN EATON: All right.

18 BOARD MEMBER JONES: I'll second that motion.

19 CHAIRMAN EATON: I didn't know anyone moved it,
20 but did I miss something?

21 (Laughter)

22 BOARD MEMBER ROBERTI: I move. Okay. Second
23 the motion. I'll move Resolution 2000-202.

24 CHAIRMAN EATON: All right. Senator Roberti
25 moves, Mr. Jones seconds that we adopt Resolution

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1 2000-202.

2 Madam Secretary, please call the roll.

3 BOARD SECRETARY: Board Members Jones.

4 BOARD MEMBER JONES: Aye.

5 BOARD SECRETARY: Moulton-Patterson.

6 BOARD MEMBER MOULTON-PATTERSON: Aye.

7 BOARD SECRETARY: Roberti.

8 BOARD MEMBER ROBERTI: Aye.

9 BOARD SECRETARY: Chairman Eaton.

10 CHAIRMAN EATON: Aye. Okay.

11 Now we come to a moment which is -- we've been
12 remiss, but we have two individuals who have done a
13 yeoman's job. Mr. Chandler.

14 MR. CHANDLER: Thank you, Mr. Chairman and
15 Members. It is with great pleasure that you afford me
16 this opportunity to present these resolutions early this
17 afternoon. If I could ask that both -- well, Don Koepp
18 and Pat Bennett are here. Before I present them, just to
19 provide a little bit of context for these awards.

20 First of all, as you all know, with the
21 enactment of AB 939, our relationship with the LEAs was
22 changed. It was changed from the standpoint that we
23 became one that certified LEAs; not only certified, but
24 periodically evaluated their performance. And your
25 predecessors on the Board, as well as this Director,

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1 recognized early on if we were going to be successful in
2 our job and if the LEAs were going to be successful in
3 their job, we needed to form a relationship that could
4 build on each other's strengths, understanding each
5 other's position from a state perspective and from a
6 local perspective, and working in collaboration so we
7 were both successful in those endeavors.

8 I launched an effort in the mid-90s called
9 Partnership 2000. In doing so, I was looking for
10 somebody in the LEA community that could help me carry
11 that effort forward and I found that individual in
12 Mr. Koepp. Not only was he a recognized leader in the
13 LEA community but he had the credentials to go with it.
14 He served as the president of the California Association
15 of Environmental Health Administrators. He was chairman
16 of our Board's Enforcement Advisory Committee. He
17 chaired the California Conference of Directors of
18 Environmental Health's Solid Waste Policy Committee, and
19 he was recognized by the California Assembly in their
20 recognition for progressive leadership in the area of
21 waste reduction and management.

22 Don Koepp shared the vision that I share, that
23 through collaboration and partnership with the LEAs, we
24 could advance our common goals.

25 And so it was with great pleasure, Members, that

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1 I ask Don Koepp to step forward and present Mr. Koepp
2 with this resolution. I will not read it all but let me
3 simply say that it is, therefore, resolved that the
4 California Integrated Waste Management Board does hereby
5 commend Don Koepp for his dedication and efforts in
6 developing Ventura County's public and environmental
7 health programs. Don.

8 (Applause)

9 MR. KOEPP: I appreciate the Board's
10 recognition that I've received twice. In listening to
11 all the talk about the LEAs, I know Partnership 2000,
12 which was really initiated by Ralph and I participated
13 in, I was glad to carry to the table what I could bring
14 along with the other LEAs.

15 There's a lot more work to do. I think there's
16 a good partnership here and I think you can accomplish

17 really what you want to do with respect to communications
18 with the LEA, directly with the LEA, and Partnership 2000
19 really established that basis.

20 I was trying to think of a memorable moment
21 because I haven't brought many permits before this Board.
22 All the permits that I brought before the Board were
23 adopted, but I did attend your 21st Century event that
24 you had in southern California. And I think the most
25 memorable moment was I was actually given a big bear hug

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1 by Mr. Jones here and I survived.

2 (Laughter)

3 MR. KOEPP: Perhaps maybe some advice to the
4 LEAs is they give you a big bear hug and they'll survive.

5 Thank you very much and thanks very much to
6 Ralph and all his staff. Thank you.

7 (Applause)

8 CHAIRMAN EATON: We apologize for the lateness.
9 It was not meant and as you can well imagine, we just
10 didn't want to leave you with a memory that was any
11 different in all the years, both of you.

12 MR. CHANDLER: And certainly not to be out done,
13 Pam Bennett took the torch from Don very ably and
14 continued as chair of the Solid Waste Policy Committee
15 for the California Directors of Environmental Health,
16 worked hand-in-glove with not only me but with our
17 Permitting and Enforcement Directors over the years to
18 continue the efforts on Partnership 2000 and at the same
19 time able to carry out her duties as the county LEA for
20 San Bernardino County.

21 So with that, I would like to ask Pam to come up
22 and accept this resolution.

23 (Applause)

24 MR. CHANDLER: Therefore, be it resolved that
25 the California Integrated Waste Management Board does

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1 hereby commend Pamella Bennett for her dedication and her
2 efforts in developing San Bernardino County's public and
3 environmental health programs. Congratulations.

4 (Applause)

5 MS. BENNETT: Well, I've been with government
6 service for about 26 years and have chosen to go out on
7 my own, but until 1988 it was in food programs or
8 recreational health programs or water programs, but in
9 1988, some of your staff used to bring the trainees down
10 to San Bernardino County to show them how poorly
11 landfills could operate.

12 (Laughter)

13 MS. BENNETT: And so I've seen a huge change in
14 that. We went from having 18 1977 permits to having all
15 18 of our landfills repermited, then we closed all but
16 seven and have two more slated to be closed, but opened
17 11 transfer and MRFs. So what we've done is be able to
18 accommodate the community but closing the low-volume
19 transfer stations that sometimes had trash blowing for
20 two miles down the road from them and also at times the
21 staff that would go out there for training would find 200
22 to 300 ravens at many of these desert sites.

23 I've seen a huge change in solid waste. I know
24 there's a lot more to go, but I'm hoping some of the
25 newer members will recognize that we've gone through a

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1 lot. We've made massive improvements. And while there
2 is a lot more to do, we should at least congratulate
3 ourselves on how far we've come. Thank you very much.

4 CHAIRMAN EATON: Thank you.

5 (Applause)

6 CHAIRMAN EATON: All right. That will conclude
7 this portion of today's board meeting for lunch and then
8 we will reconvene at 2:15 p.m. in which case the ad hoc
9 committee that was mentioned this morning will reconvene.

10 Thank you.

11 (Lunch recess taken)

12 CHAIRMAN EATON: Welcome back to the April
13 meeting of the California Integrated Waste Management
14 Board.

15 For those of you who may have just arrived after
16 the lunch hour, we are sitting as an ad hoc committee,
17 and as such, we can hear items and make recommendations
18 to the full Board. Those recommendations will be taken
19 up tomorrow at our regularly scheduled second day due to
20 the fact that Senator Roberti had a previous commitment
21 and also the fact that he had requested a number of items
22 that were passed over on informational purposes.

23 What I would like to be able to do is to put
24 those items aside until he has an opportunity to be
25 present. Since he requested those items, it would only

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1 be appropriate that he have the opportunity to do so, as
2 well as a couple -- I believe that item would have been
3 Item 17, which is the waste disposal programs by
4 residential and commercial sectors, and also the oral
5 presentation on the 1999 statewide disposal study.

6 So with that, we will hear Item Number 15, which
7 is the voluntary local jurisdiction assistance plan for
8 the City of Redding.

9 MS. MORGAN: Can we possibly put that off for
10 five minutes?

11 CHAIRMAN EATON: Obviously caught them off
12 guard. You only get the first by at the first crack.
13 Anyway, moving right along after that.

14 MS. MORGAN: Actually, I can present the item
15 for the staff if you want. It's up to you. Would you
16 like me to do that?

17 CHAIRMAN EATON: Sure. Except the one
18 difference is you're making a presentation at the lectern
19 today. Before we begin, we'll allow you to take a deep
20 breath, and Mr. Jones reminds me that we have to report
21 our ex parte communications, if there were any, as
22 related to the business. And after this morning's
23 discussion, I'm not sure anyone is talking to any of us.
24 See? The truth is out there. I tell you.

25 Anyway, Mr. Jones.

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1 BOARD MEMBER JONES: Mr. Chairman, I had to
2 participate in a conference call with the people from the
3 Rubber Paving Association and discussed all sorts of nice
4 rubber paving issues with Mark Belshy (phonetic), Bob
5 Winters, Jeff Reed, Ross Koshuaga (phonetic), Fred
6 MacRaney, Murray -- that's what it says -- Murray Kwantz
7 (phonetic), Mike Herrington and Donna Carlson. Thank
8 you, Mr. Chair.

9 CHAIRMAN EATON: Thank you, and if you'll give
10 that to Ms. Covington, she can make sure we get proper
11 spelling of the names to the reporter.

12 CHAIRMAN EATON: Ms. Moulton-Patterson.

13 BOARD MEMBER MOULTON-PATTERSON: I had none.

14 CHAIRMAN EATON: And I, too, had none. All
15 right. Now Item Number 15.

16 MS. MORGAN: Still looking back out in the
17 audience. Item Number 15 --

18 CHAIRMAN EATON: You know in the future that
19 your division personnel will be present after today.

20 MS. MORGAN: You bet.

21 (Laughter)

22 CHAIRMAN EATON: Welcome to management.

23 MS. MORGAN: That's right. Cara Morgan, Office
24 of Local Assistance.

25 Basically, Chairman and Board Members, this is

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1 to present to you the ending of a targeted implementation
2 assistance agreement with the City of Redding. This is
3 very exciting for us. This has been a partnership with
4 the City and the Board for the last 18 months.

5 We started out with the needs assessment of the
6 City of Redding to identify where their program gaps
7 were, and some of the things we identified was public
8 education outreach and another area which we identified
9 was variable rate setting to improve their curbside
10 diversion rates.

11 We're very excited to be able to tell you today
12 that the City accomplished everything in this voluntary
13 assistance plan and this is really a neat model because
14 it's the same type of process we're looking at for the
15 1066 extensions, identifying where the jurisdiction gaps
16 are, putting together a plan to fulfill those gaps, and
17 moving on to meeting the diversion goal. The City of
18 Redding was not able to make it today.

19 CHAIRMAN EATON: I think you're more familiar
20 with some of the other communities in and around our
21 state.

22 MS. MORGAN: Really. The City of Redding was
23 unable to make it today, but I would like to let you know
24 that they have truly been a leader in the north part of
25 the state in implementing this variable rate system.

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1 It's a very aggressive program for a rural, north part of
2 the state community to implement.

3 With that, I'm going to hand it over to Kimya
4 Lambert -- that was good, huh -- to provide the remainder
5 of the update, brief.

6 CHAIRMAN EATON: We'll be the judge of that.

7 (Laughter)

8 MS. MORGAN: Kimya.

9 MS. LAMBERT: Good afternoon, Chairman Eaton and
10 Members of the Board. My name is Kimya Lambert and I'm
11 with the Office of Local Assistance, the north section,
12 and the item before you is an informational item
13 regarding the completion of the voluntary local
14 jurisdiction assistance plan for the City of Redding,
15 Shasta County.

16 The City of Redding worked with the staff from
17 the Board's Office of Local Assistance and Targeted
18 Implementation Assistance Section to develop a local
19 jurisdiction assistance plan which is a voluntary
20 agreement between the Board -- between the City and board
21 staff that was designed to document what assistance was
22 needed, what assistance would be provided and how and
23 when such assistance would be used.

24 Board Staff met with City staff to discuss the
25 details of the customized assistance to be provided by

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1 the Board to the City of Redding and the efforts the City
2 was prepared to make to meet its waste diversion goal for
3 the year 2000. In particular, Board staff met with City
4 staff to discuss the base year, annual reporting, program
5 implementation issues, and to provide an overview of how
6 to conduct business waste assessment.

7 The following is a discussion of the steps as
8 outlined in the local jurisdiction assistance plan the
9 City of Redding has taken to address the challenges that
10 it faces in meeting the diversion goals of AB 939.

11 First of all, the City of Redding corrected its
12 base year. After disposal reporting began, the City of
13 Redding found that the 1995 disposal amount was
14 significantly greater than the 1995 disposal projections
15 in its Source Reduction and Recycling Element, or SRRE.
16 This was an indication that the base year generation
17 amount may have been inaccurate.

18 In addition, when Board staff initially
19 calculated the '95 and '96 diversion rates for the City
20 of Redding, they were calculated at 21 percent and 13
21 percent respectively. These numbers were inaccurate
22 because they were inconsistent with the City's program
23 implementation. The City used landfill operations
24 documentation, weight tickets and billing correspondence
25 to make corrections to its base year generation figure.

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1 The City also corrected its 1995 and '96 report of
2 disposal amounts. A large area outside of the City of
3 Redding use Redding addresses and this creates reporting
4 problems at local landfills and transfer stations.

5 The City conducted a survey of self-haul waste
6 and determined that 5,296 tons for 1995 and 9,940 tons

7 for 1996 were incorrectly allocated to Redding. In
8 addition, the City has identified an annual average of
9 2,000 tons of material is brought into the city by
10 residents and illegally dumped in city business refuse
11 containers.

12 In September of 1999, the Board approved the
13 base year and reporting year corrections and approved
14 their 1995 and '96 diversion rates of 39 percent and 35
15 percent respectively. Secondly, Redding improved its
16 method of determining and tracking the assignment of
17 waste to jurisdictions in Shasta County to ensure that
18 Redding is allocated the correct amount of waste.

19 To resolve allocation problems, the City's Solid
20 Waste Division recently purchased new software reporting
21 system and gate house attendants are revising the survey
22 questions that they ask at the gate. In addition, the
23 City opened up quarterly surveys to verify the addresses
24 of self-haul customers.

25 The City has determined that 75 percent of the

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1 self-haul waste is brought to its transfer station by
2 non-city residents. The transfer station rates have been
3 substantially lower than other solid waste facilities
4 within the city, and this combination of lower rates and
5 a convenient location resulted in many residents from
6 unincorporated Shasta County hauling their waste to the
7 City rather than to county facilities. So in 1999, the
8 City of Redding raised the fees at its transfer station
9 to reduce city ratepayer subsidy of non-city residents
10 usage of the City's transfer station.

11 Number three, the City of Redding is conducting
12 business waste assessments. Board staff provided the
13 City of Redding with business kits and overview in how to
14 conduct business waste assessments. The City of Redding
15 plans to conduct waste assessments for its top 200 waste
16 generators and has conducted 30 business waste
17 assessments since the beginning of the year.

18 In addition, in 1999, Ken Stempian (phonetic) of
19 the City's Solid Waste Division accompanied staff from
20 the Board's Office of Local Assistance in Project Recycle
21 on waste assessments of state offices in Redding.

22 Number four is Redding's adopted variable can
23 rate. Board staff provided technical support to adopt a
24 variable can rate structure by providing copies of
25 variable can rates from Lake and Tehama Counties'

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1 library. The City of Redding implemented a variable can
2 rate for its residential and commercial sectors in July
3 of 1999, and just as a side note, the City's had
4 mandatory garbage service since, I believe, the '50s. I
5 believe.

6 The City has also increased its public education
7 to enhance the effectiveness of its diversion programs.
8 The Solid Waste Division publishes an article each month
9 in "Redding Connects," which is a newsletter that is sent
10 with the utility bills to all residential and commercial
11 customers, and that's about 40,000 newsletters a month.

12 As outlined in the assistance plan, the City has
13 completed the text for an appliance recycling brochure
14 and is in the process of creating a brochure on source
15 reduction and diversion programs available in the City of
16 Redding. In addition, the City has recently completed
17 two new brochures, one on grasscycling and one on
18 environmentally sound car care.

19 The Solid Waste Division continues to advertise
20 its waste diversion programs in the local newspaper,
21 issues press releases on a regular basis, and City staff
22 have been interviewed by the local paper for articles
23 related to diversion programs.

24 The City of Redding continues to do outreach at
25 schools, business service organizations and clubs, and

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1 the City has distributed a new flyer that lists 10
2 services the City can provide to enhance school recycling
3 programs. These services include free waste assessments,
4 community events that focus on waste reduction and
5 pollution prevention, classroom presentations and class
6 tours of the City's recycling facilities. In addition,
7 the City has increased the number of public tours of its
8 solid waste and transfer recycling facilities.

9 Plans for the future. The City plans to
10 automate yard waste collection this summer.

11 BOARD MEMBER JONES: You might want to slow down
12 just a little bit. She's having a hard time moving her
13 fingers that quick.

14 (Laughter)

15 MS. LAMBERT: Plans for the future. Sorry about
16 that.

17 The City plans to automate yard waste collection
18 this summer, and by 2002, Redding plans to automate the
19 collection of recyclables and add junk mail and magazines
20 to the material that it collects.

21 In conclusion, the City of Redding has followed
22 the guidelines as presented in the local jurisdiction
23 assistance plan and has met the goals as outlined. The
24 City is successfully implementing its diversion and
25 education programs and will continue to monitor the

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1 allocation of waste at local solid waste facilities and
2 make reporting year corrections as necessary to ensure
3 that the correct amount of waste is allocated to Redding.

4 The City of Redding researched and corrected its
5 base year and reporting year disposal problems and was
6 able to achieve diversion rates for 1995 and 1996 of 39
7 percent and 35 percent respectively.

8 This concludes my presentation. Are there any
9 questions of staff?

10 CHAIRMAN EATON: Are there any questions?

11 BOARD MEMBER JONES: I have one.

12 CHAIRMAN EATON: Mr. Jones.

13 BOARD MEMBER JONES: I remember when this item
14 came forward to revise their base year and the issue was
15 out-of-city residents were dumping into commercial bins.
16 Did they ever look at locking those bins?

17 MS. LAMBERT: I'm not sure whether or not they
18 did, but I can ask them about that.

19 BOARD MEMBER JONES: It's a way to do it that at
20 least gets the material -- makes it harder for people to
21 dump and takes the burden off of those commercial
22 businesses that have more capacity than they need, but it
23 also makes it easier to find envelopes and licenses or
24 some type of identification to determine who those
25 dumpers are.

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1 MS. LAMBERT: I'll ask them about that. Are
2 there any other questions?

3 CHAIRMAN EATON: If could you refresh my
4 recollection as to prior to their participation in the
5 voluntary agreement being entered into, what was their
6 diversion rate?

7 MS. LAMBERT: Their diversion rates before they
8 corrected their base year and their reporting years were
9 21 percent for 1995 and 13 percent for '96. And after
10 they did those two things, they were at 39 for '95 and 35
11 for 1996.

12 CHAIRMAN EATON: So they had some disposal
13 reporting problems and that working together we were able
14 to solve some of them or at least they implemented some
15 of those?

16 MS. LAMBERT: Yes.

17 CHAIRMAN EATON: All right. Any other
18 questions?

19 MR. CHANDLER: I just can't go without stating,
20 Mr. Chairman, in light of the meeting we had yesterday
21 afternoon, I won't get into particulars, I think this is
22 a classic example of how, in working in partnerships at
23 the local level with outreach from staff, the issues
24 around the Disposal Reporting System that are not issues,
25 I grant it that, can be addressed and can be solved and

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1 can be brought back to beneficial results, both in where
2 the numbers are but perhaps with the satisfaction of the
3 local jurisdiction, getting just a better handle on where
4 the waste is coming from and where it's going.

5 I know that thought isn't lost on either you or
6 Mr. Jones, who participated in that meeting, but I think
7 this is a classic example of taking the results from
8 those workshops that we had on the disposal reporting
9 system and seeing them implemented at the local level.

10 CHAIRMAN EATON: Thank you, and good job.

11 BOARD MEMBER JONES: Congratulations to you and
12 your staff. You guys have done a good job.

13 CHAIRMAN EATON: Items 16 and 17 we're going to
14 hold over for Senator Roberti because on at least one of
15 them he had corrected. If we could go into the update on
16 the compliance report.

17 MS. MORGAN: Cara Morgan, Office of Local
18 Assistance. Item Number 19 is an update on the status of
19 the quarterly compliance order report and status update
20 on the compliance orders issued at the September 1999 and
21 October 1999 board meetings. This will be a brief update
22 for the Board Members on where these jurisdictions are at
23 in meeting their compliance order, and Steve Sorelle will
24 present the item.

25 MR. SORELLE: Good afternoon, Chairman Eaton and

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1 Members of the Board. My name is Steve Sorelle. I'm
2 with the Office of Local Assistance, north section, and I
3 will be updating you on the current status of
4 jurisdictions on compliance.

5 There are 20 jurisdictions that have quarterly
6 reports or updates due since the March board meeting.
7 All of these jurisdictions have submitted their quarterly
8 reports or updates and are meeting the requirements of
9 their compliance orders.

10 At the last board meeting in March, 15
11 jurisdictions were approved for extensions to their final
12 reports. 14 jurisdictions were extended to June 15th,
13 2000, one was approved for August 1st. There are eight
14 jurisdictions going before this board meeting today,
15 requesting extensions to their final report dates. Their
16 extension dates vary from June 15th to August 1st and, in
17 fact, were heard earlier this morning. There are two
18 jurisdictions who will be requesting an extension at the
19 May board meeting that are on this list.

20 15 jurisdictions have submitted their final
21 reports and will have met the requirements of the
22 compliance orders once the final review by staff is
23 completed. The following jurisdictions are off
24 compliance with the Board's approval: The Cities of
25 Chico, Coachella, Hawaiian Gardens, San Clemente and San

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1 Luis Obispo. Of the 65 jurisdictions that went on
2 compliance in 1999 between January, September and
3 October, 60 are remaining and have progressed as
4 described.

5 An information packet has been provided to you
6 which gives you greater detail including background
7 information and current status of each jurisdiction on
8 compliance.

9 That concludes my presentation. Are there any
10 questions?

11 CHAIRMAN EATON: Any questions of Mr. Sorelle?

12 With the compliance -- I'm sorry,
13 Ms. Moulton-Patterson. What seems to be the most
14 difficult hurdle for them to overcome, the fact that once
15 they start going through some of the approval processes
16 that they need some of their local elected officials in
17 terms of once they're able to identify some of the
18 things, or the data comes in slowly or something like
19 that?

20 MR. SORELLE: In terms of extensions?

21 CHAIRMAN EATON: I don't have a problem with the
22 extensions. It just seems that the time we give them,
23 that the six months is a reasonable time, but because
24 sometimes data takes longer to accumulate and so on and
25 so forth, that that seems to be a recurring problem. So

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1 to give them more time if the original compliance order
2 or, you know, do the extensions, it doesn't really make a
3 difference. I was just wondering if there's a way we
4 could be more helpful to them.

5 MR. SORELLE: I think we are providing them a
6 significant amount of help. I think there are probably
7 two or three factors. One is the amount of time that it
8 takes to get data which will vary; two, definitely
9 approval processes, we're seeing that in a number of
10 locations, maybe not as many as the first factor; and
11 some have discovered that their first point of solution
12 wasn't quite what they thought it would be and wasn't
13 going to give them satisfactory results, so they're
14 changing either the year that they're studying or perhaps
15 the methodology. So I think those three factors are
16 probably the primary of those and their challenges.

17 CHAIRMAN EATON: And that's well within their
18 discretion to do that; correct?

19 MR. SORELLE: Yes.

20 CHAIRMAN EATON: That's not something we dictate
21 or anything like that?

22 MR. SORELLE: No.

23 CHAIRMAN EATON: All right. Thank you very,
24 very much.

25 Item Number 31. That completes Ms. Morgan's

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1 portion of today's program.

2 Item Number 31.

3 MS. NILES: Good afternoon, again. Again, I'm
4 Laura Niles with the Permitting and Inspection Branch.

5 Agenda Item 31, what you have before you is the
6 update on the semi-annual publication of the inventory of
7 solid waste facilities violating state minimum standards.
8 The Board is required by Public Resources Code Section
9 Number 44104 to maintain a list of all facilities who
10 violate state minimum standards. This is an
11 informational agenda item only and no Board action is
12 required.

13 Currently there are 17 facilities on the
14 inventory, 12 of which are for long-term gas violations.
15 Just an update on the Amador --

16 CHAIRMAN EATON: We all had cookies for
17 lunch.

18 MS. NILES: I think we were rushing this
19 morning.

20 CHAIRMAN EATON: We've got all the time we want
21 in the afternoon.

22 (Laughter)

23 MS. NILES: Just an update on the Amador County
24 Landfill. Apparently it was briefed that it may come off
25 the inventory. However, we never did get an update from

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1 the LEA, so it stills remains on the inventory for the
2 RDSI update information.

3 Other violations on the inventory include litter
4 control, reported disposal site information, joint
5 technical documents updates, closure plan submittals and
6 daily cover issues. All information on each facility is
7 located in the status column on attachment number one.

8 Just for some statistics, in January of 1997,
9 there were 47 facilities on the inventory, 26 of which
10 were for non-gas-related violations. As of March 15th,
11 2000, 17 facilities were listed, five for non-gas-related
12 violations. A chart has been provided in attachment two
13 to show the overall decrease in the number of facilities
14 on the inventory.

15 Since 1997, the overall number of facilities on
16 the inventory has decreased 64 percent. Since 1997,
17 long-term landfill gas violations have decreased from a
18 high of 21 facilities to the current low of 12
19 facilities, or a 43-percent reduction of facilities with
20 long-term gas violations.

21 That concludes my presentation.

22 MS. NAUMAN: If I might add a comment. Julie
23 Nauman of the Permitting and Enforcement Division. On
24 the reverse side --

25 CHAIRMAN EATON: Be happy to have your comment.

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1 MS. NAUMAN: Thank you. I was going to do it
2 earlier, but we got a little out of sync here.

3 On the back side of the chart that I passed out
4 to you this morning when we were discussing the
5 consistency issue is a summary of the permit actions
6 involving long-term state minimum standard violation
7 policy for gas, and in some of the briefings it was
8 requested that we provide kind of an update on how
9 jurisdictions are doing for those landfills where we have
10 utilized the long-term gas violation policy.

11 You'll note in the item we still have a number
12 of facilities that are out of compliance because of gas,
13 but this also gives you an update of those that have come
14 into compliance as a result of your willingness to invoke
15 the policy that we've had in place for a number of areas,
16 and you'll see that the results are that of a total of 17
17 facilities that are operating under the long-term gas
18 violation policy, nine of those have come into compliance
19 with eight still working on it.

20 CHAIRMAN EATON: Thank you. Any questions of
21 Ms. Nauman?

22 BOARD MEMBER JONES: Mr. Chairman.

23 CHAIRMAN EATON: Mr. Jones.

24 BOARD MEMBER JONES: I think that everybody,
25 staff and the operators, are all doing a good job of

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1 whittling this number down, but this is -- Jerry deRoco
2 was in a meeting with some folks from Tuolumne County in
3 Inyo how we're going to put that program together.

4 All but two of these facilities are county run
5 and owned, and I think that that is something that we
6 continue to see and continue to try to make that training
7 available. Some of them are landfill gas where there may
8 not be a desire to spend the money on a gas collection
9 system, but a lot of them are operational issues that as
10 soon as we can raise that level of understanding and
11 operating expertise, I think a lot of these are going to
12 end up going away. It just kind of highlights why we
13 need to do this.

14 CHAIRMAN EATON: Thank you, Mr. Jones. Thank
15 you.

16 Item Number 32.

17 MS. NAUMAN: This item is consideration of
18 approval of the loan criteria for the facility compliance
19 loan program and Bridget Brown will be presenting the
20 item.

21 MS. BROWN: Good afternoon, Mr. Chairman and
22 Board Members. I'm Bridget Brown of the Facilities
23 Operations Branch.

24 The 1999 Budget Act authorized the Board to
25 provide interest-free loans to assist owners and

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1 operators of permitted solid waste facilities in the area
2 of environmental compliance. The total amount available
3 for the entire facility compliance loan program is \$2.88
4 million for the two-year program.

5 At its January 25th, 2000 meeting, the Board
6 approved the eligibility criteria and prioritized the
7 eligible cost centers for the loan program. This item
8 presents the remaining facility compliance loan program
9 criteria for Board approval.

10 To receive an interest-free loan, applicants
11 must submit an application. Board staff will review the
12 application for adequacy and eligibility. Applications
13 that are substantially incomplete or are not associated
14 with permitted facilities or that don't demonstrate
15 tangible environmental threats will be disqualified.

16 A review panel consisting of board staff will
17 analyze each remaining application and provide each with
18 a score using the scoring criteria checklist, which is
19 based upon the Board's January 25th, 2000 resolution.
20 Applicants must provide adequate documentation of
21 financial need for assistance with compliance problems
22 and demonstrate the ability to repay the loan. The
23 applications with the highest scores will be presented to
24 the loan committee for review. The actual number of
25 applications presented will be limited by the

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1 availability of funds.

2 Based upon scoring criteria results and the loan
3 committee recommendation, staff will recommend to the
4 Board specific projects for funding. If a loan cannot be
5 executed within 60 days of approval, the applicant will
6 be disqualified. The maximum loan amount proposed under
7 the facility compliance loan program is \$500,000 per
8 borrower. Applicants may receive only one loan from the
9 current two-year appropriation and loans must be repaid
10 within 15 years. Funds may not be used to refinance
11 existing loans, and all projects must be completed within
12 24 months of funding.

13 Staff requests that the Board approve Resolution
14 Number 2000-204, the proposed facility compliance loan
15 program loan criteria.

16 CHAIRMAN EATON: Any questions?

17 BOARD MEMBER JONES: Just one, Mr. Chairman.

18 CHAIRMAN EATON: Mr. Jones.

19 BOARD MEMBER JONES: I have no problem with this
20 except the second thing in the scoring that says
21 demonstrates an existing or chronic non-compliance of the
22 facility which poses an environmental threat. That -- I
23 mean just hope that we understand that some of these
24 things are manageable, you know, that they can be done,
25 it's not for lack of funds. It may be for lack of effort

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1 that keeps them on a chronic violator list. This I hope
2 would be -- hope those items where they address -- they
3 continually address this problem, they don't just blow it
4 off.

5 And just -- I want that on the record because we
6 don't want to be using a criteria of people that are
7 ignoring state minimum standards qualify for a higher
8 scoring to get money as opposed to those that try their
9 best but may not have the funds available to correct gas
10 or leachate problems or things like that.

11 With that, I would move adoption -- if I get to
12 the bottom of all this -- Resolution 2000-204,
13 consideration of approval loan criteria for facility loan
14 compliance program.

15 BOARD MEMBER MOULTON-PATTERSON: Second.

16 CHAIRMAN EATON: Mr. Jones moves and
17 Ms. Moulton-Patterson seconds that we adopt Resolution
18 2000-204 and recommend approval to the full Board.

19 Madam Secretary, please call the roll.

20 BOARD SECRETARY: Board Members Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 BOARD MEMBER MOULTON-PATTERSON: Aye.

24 BOARD SECRETARY: Chairman Eaton.

25 CHAIRMAN EATON: Aye.

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1 Okay. Next item. Before we do, perhaps
2 Mr. Chandler or Ms. Fish, since the background of that
3 item that we just completed was the fact that we tried to
4 give the money away as a grant and the legislature
5 decided that we should not give the money away as a grant
6 but rather as an interest-free loan, that if we could,
7 per Senator Wright and Senator Sher and Senator Hayden's
8 request, that upon -- if it is approved tomorrow, that we
9 forward the fact that we have completed the compliance, a
10 short letter as a follow-up to our budget subcommittee,
11 just to let them know that we are proceeding because that
12 was one of the items that they were not concerned about
13 but just inquired about. Just giving an update as to
14 that we had just approved it with the criteria, that
15 would be helpful.

16 BOARD MEMBER JONES: Mr. Chairman.

17 CHAIRMAN EATON: Mr. Jones.

18 BOARD MEMBER JONES: I think you need to be
19 congratulated for spearheading this program to get some
20 money into these.

21 CHAIRMAN EATON: But I tried for a grant and I
22 got a loan. I couldn't figure that one out.

23 (Laughter)

24 BOARD MEMBER JONES: At least you tried. And I
25 think that you need -- you get enough heat. You might as

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1 well get a little bit of accolade once in a while.

2 I do have a question on procedure. I know this
3 is a money item and has to be voted on. The way that we
4 used to run committees is rather than hear the whole item
5 again, if the Board felt comfortable with moving it
6 forward, that on a concurrence we would still take the
7 vote but not have to hear the item again.

8 I mean does anybody object to that rather than
9 listening to this item again?

10 CHAIRMAN EATON: In other words --

11 BOARD MEMBER JONES: What we used to do -- you
12 were here for part of those.

13 CHAIRMAN EATON: What you basically want to say
14 is that if there's no objection by the full Board, we
15 don't have to rehear it.

16 BOARD MEMBER JONES: Exactly.

17 CHAIRMAN EATON: We can just vote on the item.

18 BOARD MEMBER JONES: That's the way all the
19 committees ran.

20 CHAIRMAN EATON: I think that will be fine. I
21 think we've put enough of the items aside for the
22 Senator, that if he wants to hear an item or if he has a
23 question on it, we'll have that, I think, with that
24 admonition. That's fine.

25 MS. NAUMAN: Item 33, despite the long title

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1 we're really only using part of the title today, so what
2 we're here for is consideration of approval to notice
3 revisions to the proposed regulations for an additional
4 15-day comment period, and this is regulations for the
5 solid waste disposal and codisposal site cleanup program
6 known as AB 2136. And Scott Walker will make the
7 presentation.

8 MR. WALKER: Good afternoon, Chairman Eaton,
9 Members. Scott Walker with the Permitting and
10 Enforcement Division.

11 This item presents a continuation of the public
12 hearing in consideration of revisions of proposed
13 regulations to implement the AB 2136 program. The
14 rulemaking process for these regulations started back in
15 November of 1998. We've had three 15-day comment
16 periods.

17 There is one remaining substantive issue to be
18 resolved. Several commentators have requested deletion
19 of language in proposed Section 18923(b)(1) that
20 currently states regarding matching grants to public
21 entities that, "The applicant must be owner or co-owner
22 of the property." Commentators have expressed that this
23 requirement would unreasonably prevent potential sites
24 from being remediated and is also inconsistent with
25 recent Board-approved projects such as the Cajon illegal

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1 disposal site and also the 38th Street burn dump site.

2 Staff has also reviewed Board policy adopted in
3 1995, and the Board explicitly removed that requirement
4 in order to provide additional flexibility in
5 implementing the program.

6 I think one of the bases, the main basis for
7 that requirement being added back in was that the
8 matching grant from the Board to a public entity might be
9 a benefit to a private party and that that could impair
10 the Board's cost recovery efforts, but it's clear that
11 there are alternatives in which the Board can achieve
12 cost recovery and contributions in order to be a basis
13 for removing that requirement and increase the
14 flexibility in the program. Therefore, staff is
15 recommending deletion of that requirement in the proposed
16 regulations.

17 I wanted to add just one non-substantive change
18 that we are also recommending to Section 18903, which is
19 site prioritization. We are changing the order so as to
20 not imply that the actual or potential degree or risk to
21 public health and safety and the environment is a
22 relatively lower priority, and that's an editorial
23 change.

24 In conclusion, staff recommends the Board
25 approve revision of the proposed regulations as proposed

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1 and notice for an additional 15-day public review and
2 comment period.

3 That concludes staff presentation.

4 CHAIRMAN EATON: Go out for 15 days; is that
5 what we're doing?

6 MR. WALKER: Correct.

7 BOARD MEMBER JONES: But is the resolution to
8 adopt the revisions?

9 MR. WALKER: We don't need a resolution on this
10 item. This is to get the approval to notice for 15-day
11 comment period, correct.

12 CHAIRMAN EATON: With the changes.

13 MR. WALKER: With the changes.

14 BOARD MEMBER JONES: All right.

15 MS. NAUMAN: Just to clarify, Mr. Jones. When
16 we prepared the item, the last 15-day comment period
17 hadn't necessarily closed. We were still looking at some
18 other issues, so we prepared it in the event that we were
19 asking you to adopt the package. You only need the
20 regulation if you're adopting. Here we're just asking
21 for another 15 days, so you don't need a resolution.

22 MR. WALKER: We've had a running title here to
23 allow for approval and for 15-day because of that timing.

24 MS. NAUMAN: But we'll be back again.

25 MR. WALKER: We'll be back next month.

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1 MS. NAUMAN: After this final -- hopefully the
2 final 15-day comment period.

3 BOARD MEMBER JONES: It's a beautiful thing.
4 I'm glad that the changes were made. I think that proof
5 positive is a \$3 million cleanup with \$750,000 of state
6 money tells us that that was a victory and that we need
7 that flexibility.

8 So I would move that we put these out for
9 another 15-day comment period.

10 BOARD MEMBER MOULTON-PATTERSON: I'll second.

11 CHAIRMAN EATON: Mr. Jones moves and
12 Ms. Moulton-Patterson seconds that in agenda Item Number
13 33, the regulations be sent out for an additional 15-day
14 comment period.

15 Without objection, we'll substitute the previous
16 roll call to bring the matter before the full Board.
17 Hearing no objection, so shall be ordered.

18 Item Number 34.

19 MS. NAUMAN: This item is consideration of
20 approval of new sites for the solid waste disposal and
21 codisposal site cleanup program, and Scott will make the
22 presentation.

23 MR. WALKER: Good afternoon, Chairman Eaton and
24 Members of the Board. Again, I'm Scott Walker with the
25 Permitting and Enforcement Division.

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1 This item presents consideration of new sites
2 for remediation pursuant to the AB 2136 program. We are
3 recommending six illegal disposal site cleanup projects
4 which include a total of 24 discreet sites for
5 Board-managed cleanup utilizing the Board's contractors.

6 The Board's contractors would segregate and
7 remove all solid and, if necessary, household hazardous
8 waste, recycle to the extent practical, construct access
9 barriers as necessary, and reclaim to previous natural
10 conditions as practical.

11 With regard to site prioritization, these sites
12 are ranked the highest priority, which is priority A.
13 This is the primary category which means that the
14 particular site at the determination of the inspector is
15 a confirmed pollution or nuisance based on comparison
16 with state minimum standards. The secondary category,
17 which refers to the proximity to sensitive receptors,
18 ranges from one, which is inhabited structures or planned
19 improvements within a thousand feet of the site, and then
20 within a thousand to a mile, also sensitive --
21 potentially environmentally receptors would be two, and
22 three is a rural area. These sites range from A-1 to
23 A-3.

24 Also, we would like to bring up that the Board
25 previously approved a site prioritization based on public

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1 health and safety, and staff have used this and bring
2 forth priority A sites. Also, it's important to point
3 out that these sites have other criteria, and part of
4 that is that the owner-operator is unable and unwilling
5 to perform a timely remediation. That has been
6 historically a time problem depending upon the particular
7 site because normally some degree of enforcement action
8 is required.

9 In addition, the site complexity can vary from
10 fairly straightforward projects, which are like illegal
11 dump cleanup sites, to really complex,
12 engineering-intensive and sampling-intensive-type
13 projects like some of the burn dumps or large, like a
14 Cajon-type illegal disposal site. Timing is also
15 required to essentially rely on the local agencies to
16 perform the enforcement action. So depending upon the
17 particular situation, that happens fast or it takes a
18 really long time, and in some cases some of these sites
19 actually get cleaned up.

20 One example is the aggregate recycling site,
21 which we've been involved in for a couple years now, and
22 it's been under court order. The operator now is
23 cleaning up the site, so we would not bring that forward
24 for consideration.

25 In the particular sites that are proposed, there

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1 are no potentially responsible parties that have been
2 identified for these sites other than the current
3 property owners. 15 of these sites, 15 out of the 24 are
4 located on privately owned parcels and cost recovery will
5 be pursued in accordance with the Board's policy. To
6 address cost recovery, local agencies for these sites
7 will pursue liens on behalf of the Board, and the details
8 of that process will be worked out by legal staff. We
9 have used that means to achieve cost recovery in other
10 cases. It does depend upon the particular jurisdiction,
11 but we have done that successfully with some
12 jurisdictions. But cost recovery will be pursued on the
13 sites on private parcels.

14 Nine of the sites are on publicly owned
15 property. In accordance with Board policy approved in
16 June 1999, staff are recommending that cost recovery be
17 waived for the publicly owned sites because one, the
18 sites are publicly owned and maintained in public benefit
19 and use; two, the public agency owners did not cause
20 disposal of the waste; and three, the public owners are
21 contributing significant cash contributions and/or
22 in-kind services. And I'll get into more details on the
23 individual sites as I go through the presentation.

24 Reminding the Board that the decision not to
25 pursue cost recovery requires four affirmative votes. In

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1 addition, eight of those nine sites are on federally
2 owned property, and what the agreement with the federal
3 government, both -- we have two different entities -- is
4 cash reimbursement of up to 50 percent of the estimated
5 costs. Last fiscal year the Board approved the Likely
6 site, Modoc County, in which we successfully implemented
7 that agreement to do that.

8 Description of projects. Projects on federally
9 owned property proposed include three sites in the Mojave
10 Desert area of San Bernardino County or three projects in
11 the Mojave Desert area of San Bernardino County and one
12 in Butte county. The proposed Mojave National Preserve
13 project includes three sites: OX Ranch, Rainbow Wells,
14 and Columbia Mine.

15 These were inherited by the National Parks
16 Service upon creation of the Mojave National Preserve in
17 1994. These sites are accessible to the public.
18 However, staff concluded that the National Parks Service
19 as the recent steward of the land, now that they've
20 achieved control, maintains a comprehensive program of
21 environmental control such that further illegal disposal
22 activity is highly unlikely.

23 The second project is the Route 66 project,
24 which includes three sites located on Bureau of Land
25 Management property in the rural towns of Amboy,

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1 Shamblis, and Essex in San Bernardino County. The
2 proposed Nipton project includes one site located in the
3 rural town of Nipton, San Bernardino County.

4 These sites have been problematic, long-term
5 illegal dumping -- illegal public dumps. Basically they
6 were the local community's dump site where people come
7 out clandestine, most in a community, and it's an
8 attractive nuisance and it's been a long-standing problem
9 in the county.

10 I wanted to point out that the San Bernardino
11 County Solid Waste Local Enforcement Agency and also the
12 BLM have worked quite a few years on this problem. They
13 have made significant progress on these sites in their
14 ongoing effort to prevent illegal dumping through public
15 education and establishing garbage service. Once they
16 placed bins in these rural desert communities, the
17 problem dropped off considerably.

18 The final step is removing the solid waste which
19 poses the threat and also attractive nuisance, and the
20 proposed remediation project will add this effort by
21 mitigating that nuisance.

22 The proposed Toyone project includes one site
23 located within an intermittent drainage on rural BLM
24 property. This one is in Butte County and was recently
25 brought to our attention. BLM has removed some household

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1 hazardous waste and they also will monitor the site to
2 discourage further illegal.

3 The proposed Black Butte project is located
4 primarily on contiguous -- on private parcels in the
5 Antelope Valley area of Los Angeles County. Los Angeles
6 County Solid Waste Local Enforcement Agency issued notice
7 and orders in 1999 to the property owners, who have been
8 non-responsive. In this project, again, cost recovery
9 will be pursued and also Los Angeles County is committed
10 to significant in-kind services to support the proposed
11 project.

12 These contributions include coordination of all
13 site access, pursuit of cost recovery on behalf of the
14 Board through the lien process, removal of household
15 hazardous waste, collection of waste from public
16 right-of-ways leading to the site, and construction of
17 access barriers.

18 Illegal dumping has been a problem in the
19 Antelope Valley for quite few years and the County is
20 implementing a new and innovative surveillance and
21 enforcement program in this area to prevent illegal
22 dumping, and they've made significant progress on
23 preventing the ongoing problem.

24 I also want to note that we did do an illegal
25 dump site cleanup, the other main large site in the

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1 Antelope Valley area, which was 155th Street site which
2 was approved by the Board, and our recent report back
3 from the County indicates there has been no further
4 illegal dumping at that site. So it was cleaned up and
5 there's no ongoing problem at that site.

6 The final project that staff is recommending is
7 the City of Clearlake project. This includes 11 sites on
8 separate private parcels and one on a public
9 right-of-way. Within the past year, there's been a rash
10 of arson fires at some rather run-down areas in the city
11 that have been vacant landowners. And what happened was
12 these burned-out buildings have -- were essentially an
13 attractive nuisance and they're starting to be -- the
14 clandestine illegal dumping had started to progress and
15 occur at these sites.

16 In November, the City of Clearlake code
17 enforcement contacted the AB 2136 program staff for
18 assistance, and in accordance with staff's standard
19 procedures, when we're brought -- when a site is brought
20 to our attention, we schedule it for a field check to
21 screen it and then process the site, as per all other
22 sites. This particular site was -- these sites, there
23 was actually 23 that we were asked to investigate. 12 of
24 those were determined as meeting the definition of
25 illegal disposal site and meeting the Category A.

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1 In March, the City publicly noticed and sent out
2 abatement orders to these property owners and they have
3 basically been non-responsive. They've been
4 non-responsive. The -- another thing to point out is
5 three of the sites are within 500 feet of an elementary
6 and middle school, which has also been brought to our
7 attention as a concern from the local government there.

8 The amount of illegal dumping has overwhelmed
9 the City's capability to quickly remove the hazards
10 through enforcement action or other means, and the City,
11 in terms of partnership and contributions to the Board,
12 is committing to significant in-kind services and these
13 include coordination of all site access, pursuit of
14 property liens on behalf of the Board as with the Black
15 Butte site, removal of household hazardous waste, removal
16 of vehicles and propane tanks, and assisting the Board in
17 obtaining permits and finding recycling options.

18 The total estimated cost for the six projects,
19 and this is not including the contributions of in-kind
20 services from the public agencies, is \$962,000 of which
21 \$283,500 will be reimbursed as cost sharing from federal
22 agencies.

23 In conclusion, staff recommend adoption of
24 Resolution 2000-205, approving Board-managed AB 2136
25 program remediation projects for the proposed six illegal

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1 disposal site remediation projects.

2 That concludes staff's presentation.

3 CHAIRMAN EATON: Any questions? You know I've
4 always got to have one on this one. What did our legal
5 staff say about the unresponsiveness?

6 MR. WALKER: What our legal staff basically --
7 the way -- what we do is we -- staff -- program staff
8 check the enforcement and make sure that the local
9 agencies have done enforcement orders and they check to
10 make sure there's deadlines, dates and the record,
11 whether or not there's been an actual response.

12 Legal staff reviewed -- and on a case-by-case
13 basis, we may be asked to get our legal staff involved to
14 review the status and take a look at a particular order,
15 and our legal staff reviewed the item and didn't have any
16 specific questions on the status of enforcement, that
17 that was carried to its conclusion.

18 CHAIRMAN EATON: Because if you remember, when
19 we went back through the policy, one of the things we set
20 up when we went through was the fact that legal staff was
21 consulted to see if a higher level of enforcement was
22 necessary in order to be able to see if the locals needed
23 additional so that further helping us maximize our
24 dollars. I was just wondering if we were following that
25 process based on the old policy that we adopted.

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1 MR. WALKER: We basically do follow that and
2 consult with legal staff, and on particular cases there
3 are situations in which there are really, you know -- in
4 some cases it's pretty straightforward situations in
5 which we have a track record and don't need to spend a
6 lot of time consulting with legal, and in other cases we
7 do directly involve legal at either the request of the
8 local council or at the request of staff in a given
9 situation.

10 These particular projects did not warrant a
11 separate request for a detailed review from legal staff.
12 Now, the cost recovery process, the lien process, that
13 will need a little bit more legal review on that to make
14 sure that that will work with these particular
15 jurisdictions. If it doesn't, legal staff will be
16 required to pursue an alternative cost recovery. So that
17 will be a little more involved and a little bit ongoing
18 communication between the legal staff.

19 MS. TOBIAS: Let me just add to that. If
20 this -- if we can't work these liens out, then actually
21 we'll probably be coming back to the Board on these
22 particular sites rather than just pursuing something
23 else.

24 We have talked to the City of Clearlake about
25 these liens, but we have not finished working out whether

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1 this is actually going to work or not. We've been able
2 to do it in some cases and we are presuming that we can
3 do it in these cases. If we cannot, that Clearlake item,
4 before it's started, will be coming back to the Board.

5 CHAIRMAN EATON: And I was just saying because
6 in the site that we had in Los Angeles, just no one
7 really wanted to pursue cost recovery because there was
8 not much value to the land and there was an elderly
9 citizen, so I'm trying to get some sense. We do have
10 other options other than just liens, but this is what
11 we're trying initially in terms of process to look at.
12 So if we have another one in L.A., if we're going to go
13 through the liens again, if it's the same story or if
14 we're just putting off the inevitable.

15 BOARD MEMBER JONES: Mr. Chairman.

16 CHAIRMAN EATON: Mr. Jones.

17 BOARD MEMBER JONES: I'm going to move adoption
18 of Resolution 2000-205. I'm glad that BLM and the
19 federal government is matching funds to clean up their
20 properties.

21 So I'm going to move adoption of 2000-205,
22 consideration of approval of new sites for the solid
23 waste disposal and codisposal program. And on the last
24 "whereas," waive cost recovery on Mojave, waive it on
25 Route 66, waive it on Nipton, waive it on Toyone, waive

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1 it on Clearlake, the Gobe Desert site, the one road
2 that's owned by the County.

3 CHAIRMAN EATON: And was that 2000-205 or 2005?

4 BOARD MEMBER JONES: 2000-205.

5 BOARD MEMBER MOULTON-PATTERSON: I'll second
6 that.

7 CHAIRMAN EATON: All right.

8 Mr. Jones moves and Ms. Moulton-Patterson
9 seconds that we adopt Resolution 2000-205 and the whereas
10 clause will be to waive cost recovery on the following
11 sites: Mojave National Preserve sites, Route 66 sites,
12 the Nipton site, the Toyone site and the Gobe Desert site
13 only, as relates to Clearlake.

14 Without objection, we'll substitute the previous
15 roll call and forward it to the full Board for its
16 consideration. Hearing no objection, so shall be the
17 order.

18 Thank you.

19 BOARD MEMBER JONES: The last two items on that,
20 I don't need to hear this presentation unless we have to,
21 consent or whatever?

22 CHAIRMAN EATON: Mr. Jones, absolutely.

23 BOARD MEMBER JONES: Thank you.

24 CHAIRMAN EATON: But let's make it perfectly
25 clear.

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1 BOARD MEMBER JONES: I didn't know if -- in our
2 committee meetings we used to just have to identify each
3 item. That wasn't my intent.

4 CHAIRMAN EATON: That was a regular committee
5 and this is an ad hoc committee.

6 BOARD MEMBER JONES: I know. That's why I keep
7 reiterating it.

8 MS. TOBIAS: I think what the Board could do if
9 the Board wanted --

10 CHAIRMAN EATON: I'm sorry. Ms. Tobias.

11 MS. TOBIAS: Quite all right, Mr. Chair. I
12 think that if the ad hoc committee wanted to recommend in
13 their motions that there be a consent calendar
14 recommended to the Board tomorrow morning, given ones
15 that they either know don't have any controversy to them
16 or not much interest on the part of the absent Board
17 Member, that you could do that, present it at the
18 beginning of the meeting the same way you normally do a
19 consent calendar of the following items, and then if the
20 absent Board Member wishes to pull any of those or you've
21 pulled off the ones that you know that are of interest,
22 that might facilitate it and I don't see a problem doing
23 that.

24 BOARD MEMBER JONES: I'm sure the missing Member
25 is interested in all of the items, it would just be some

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1 that he's sure that we have handled and others that he
2 maybe wants to put his touch on.

3 CHAIRMAN EATON: So the recommendation of you,
4 Mr. Jones, of the items that we have approved 3-0 be
5 placed on consent for tomorrow as consideration, unless
6 of course any of us Board Members, upon reflection, would
7 like to pull those off.

8 BOARD MEMBER JONES: That would be my fond
9 request.

10 CHAIRMAN EATON: Without objection, so shall be
11 ordered.

12 Moving into Special Waste, which is most
13 appropriate, Item Number 35 has been pulled. 36 and 37
14 were on consent. 38 and 39 were also on consent, so the
15 remaining items to be considered by the ad hoc committee
16 are 40, 41, 42, 43, 44 and Mr. Weiss's Item 45, a day
17 early.

18 Mr. Leary.

19 MR. LEARY: Thank you, Mr. Chairman. Good
20 afternoon.

21 CHAIRMAN EATON: We do things fast here as
22 opposed to Caltrans, Mr. Weiss.

23 (Laughter)

24 CHAIRMAN EATON: Where's that orange jacket?

25 (Laughter)

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1 CHAIRMAN EATON: Mr. Leary is familiar with
2 Caltrans; are you not?

3 MR. LEARY: Somewhat, Mr. Chair. Somewhat. In
4 fact, we hope to become more familiar with Caltrans in
5 implementation of our programs, but that's premature.

6 Agenda Item 40, Mr. Chairman and Members of the
7 Board, consideration of approval of fiscal year 1999-2000
8 tire recycling technology grant awards, and Mr. Nate
9 Gauff of our division will be making that presentation.

10 MR. GAUFF: Good afternoon, Mr. Chairman and
11 Members of the Board. I'm Nate Gauff. I'm from the
12 Special Waste Division.

13 This item, as mentioned by Mr. Leary, is
14 consideration of approval of fiscal year 99-2000 tire
15 recycling technology commercialization grants. In
16 September, the Board approved an allocation of \$300,000
17 for this program, and in November '99, the Board approved
18 the criteria for evaluating the applications.

19 Staff put together a NOFA of which we sent out
20 650 NOFAs to interested parties and we also sent out 51
21 applications for this program of which we received nine
22 applications back. Board staff evaluated these
23 applications of which we felt three were fundable and
24 fundable is reaching 35 out of the 50 points possible.

25 The funding recommendations are listed in the

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1 item and also in Resolution 2000-188.

2 Are there any questions?

3 CHAIRMAN EATON: Any questions? Okay. Hearing
4 none, I'll move that we adopt -- excuse me one second,
5 Mr. Gauff -- Resolution 2000-190 -- 188. I move that we
6 adopt Resolution Number 2000-188.

7 BOARD MEMBER MOULTON-PATTERSON: I'll second it.

8 CHAIRMAN EATON: All right.

9 Mr. Eaton moves and Ms. Moulton-Patterson
10 seconds that we adopt Resolution 2000-188. Since it's
11 the granting of dollars, Madam Secretary, will you please
12 call the roll.

13 BOARD SECRETARY: Board Members Jones.

14 BOARD MEMBER JONES: Aye.

15 BOARD SECRETARY: Moulton-Patterson.

16 BOARD MEMBER MOULTON-PATTERSON: Aye.

17 BOARD SECRETARY: Chairman Eaton.

18 CHAIRMAN EATON: Aye. And would you like that
19 reheard?

20 BOARD MEMBER JONES: No.

21 CHAIRMAN EATON: Okay. I knew you were
22 listening.

23 BOARD MEMBER JONES: I had two briefings on it.

24 CHAIRMAN EATON: All right.

25 Item Number 41.

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1 MR. LEARY: Item Number 41, consideration of
2 approval of fiscal year 1999-2000 local government waste
3 tire public education amnesty grant awards and Martha
4 Gildart will be making this presentation.

5 MS. GILDART: Good afternoon. Martha Gildart
6 with the Special Waste Division. This will be the fifth
7 cycle, actually, of amnesty day grants that the Board has
8 awarded. The first three were in the early years of the
9 tire program and there was a bit of a hiatus and we
10 started up again in '98 and '99.

11 This year, as you know, the Board had allocated
12 in its August meeting \$400,000 to be made available as
13 amnesty day grants to local governments. In the
14 September meeting, the Board adopted the scoring
15 criteria, which are included in your item as attachment
16 one.

17 We received 27 applications of which 26 were
18 deemed qualified to compete, and because the total
19 funding was less than what was allocated, we are able to
20 fund all qualified applications. It comes to a total of
21 \$374,000.44.

22 The one applicant whose application was deemed
23 incomplete was contacted and we described to them what
24 was required to win the funding. They merely needed to
25 submit some additional information and they declined to

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1 do so. So the list you see today on attachment two is
2 all qualified applications.

3 Any questions?

4 CHAIRMAN EATON: Any questions?

5 BOARD MEMBER JONES: Mr. Chairman.

6 CHAIRMAN EATON: Mr. Jones.

7 BOARD MEMBER JONES: I would like to move
8 adoption of Resolution 2000-190 for a grand total of
9 \$374,000.44.

10 BOARD MEMBER MOULTON-PATTERSON: I'll second.

11 CHAIRMAN EATON: Mr. Jones moves and
12 Ms. Moulton-Patterson seconds that we adopt Resolution
13 2000-190.

14 Mr. deRoco, do you care to say anything? I
15 notice you have a slip here.

16 BOARD MEMBER JONES: A simple "thank you."

17 (Laughter)

18 BOARD MEMBER JONES: I love Gerry. He's here
19 for every one of these.

20 MR. DE ROCO: Not a simple "thank you."

21 CHAIRMAN EATON: Mr. Jones is your best friend.
22 I don't know if you're aware, but we have a certain
23 prohibition about the same jurisdictions applying over
24 and over again, and although some people are pushing for
25 it, Mr. Jones calls it "the deRoco exception," and

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1 therefore --

2 MR. DE ROCO: I just don't want any bear hugs.

3 I give you my heartfelt thanks for these grant
4 programs. Residents of the county that I represent have
5 made tremendous progress with household hazardous waste
6 grants, tire grants, and my concern in this particular
7 grant, which I wholeheartedly support, is that there's
8 some either ambiguity or some unclarity in the
9 requirements for the resolution that attaches from the
10 department or from the local jurisdiction that needs to
11 be attached to the application.

12 It calls for -- the grant application requires
13 that the application complete a resolution that expresses
14 the title of the person that's authorized by the local
15 jurisdiction to apply for the grant, and yet in another
16 area it says suggested resolution is attached at the
17 back. In our case, we submitted a -- Glenn County
18 submitted a resolution by the board of supervisors
19 authorizing the director of the -- or directing the
20 Director of Public Works to apply for this grant or any
21 other grant from the state or federal government and
22 non-profit corporations.

23 I was notified yesterday that we need to submit
24 another resolution that specifies this tire grant rather
25 than the generic one and I can have that resolution

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1 within two weeks. I missed my board of supervisors
2 meeting today to be here. I can have it in two weeks.

3 But it concerns me that this could jeopardize
4 another grant that we submitted last Wednesday on behalf
5 of the Orland High School District, a small school of
6 about 500 or 600 students. We applied for a grant to
7 replace worn out mats in their exercise room with mats
8 made out of recycled tires, and in that one we submitted
9 the same grant resolution from our board of supervisors.
10 And if I'm allowed time on this one, I would like time on
11 that one to get the similar resolution, if that's
12 acceptable.

13 CHAIRMAN EATON: You know what they say?
14 There's no time like the present. I'm just kidding.

15 MS. GILDART: If the Board approves the funding,
16 we can extend I think until the first or second week of
17 May and I'll get back to Mr. deRoco on actually
18 submitting the formal resolution, that they are the
19 designated party to apply for and administer for this
20 grant. So the resolution is a requirement before we can
21 actually develop the documents to administer the grant,
22 but your allocation action to allocate the funds and
23 award to Glenn County can be taken today.

24 CHAIRMAN EATON: So are we just asking that it
25 be approved but that with respect to Glenn County is

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1 contingent on them providing a more specific resolution
2 in 30 days or so?

3 MS. GILDART: Yes.

4 MR. DE ROCO: It would help, I think everyone,
5 if in the future NOFAs or grant applications said that
6 such-and-such a resolution was a mandatory one or
7 requirement rather than just a suggestion because it's in
8 contradiction to the wording in the earlier part of the
9 grant application that just requires the application have
10 a resolution to designate who's going to sign for the
11 jurisdiction rather than a specific resolution.

12 CHAIRMAN EATON: I'm not familiar with --

13 BOARD MEMBER JONES: Is this a new requirement
14 that we --

15 MR. CHANDLER: I think it begs the question,
16 Martha. Let's get some discussion going on this. What
17 is it that we're asking for that the more generic
18 resolution apparently fell short in satisfying our
19 requirements?

20 MS. GILDART: This is where we might get some
21 direction from the grant admin staff. Our understanding
22 is that the requirement now is for the resolution
23 specifying which grant is being applied for. If grants
24 admin staff is comfortable with a generic you may go out
25 and apply for any grant and not name the grant, then

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1 we're certainly happy with it. I know we have accepted
2 them in the past, but my understanding is we were moving
3 towards that more specific resolution.

4 MR. CHANDLER: Maybe what we ought to do is look
5 at it and get back to the program staff with any problems
6 that might be inherent in not having a specified grant
7 application program delineated in the resolution itself,
8 but I think for now, absent having had that conversation
9 with staff and program staff, Martha has outlined a
10 mechanism that can allow the jurisdiction to be able to
11 come in with a more specific resolution should that be
12 the determination, but I would like to be able to leave
13 open the question of whether we're asking a local
14 government for something that is absolutely necessary in
15 the first place, and I think I just need to have a few
16 hours to have a chat with staff. So we'll do that.

17 CHAIRMAN EATON: Mr. Jones.

18 BOARD MEMBER JONES: I was going to say that we
19 took an action as a board about eight months ago to be
20 able to take advantage of federal grants and other
21 grants, that we give that authority to the Executive
22 Director and he just had to let us know because of the
23 timing issue.

24 CHAIRMAN EATON: Have you heard from him? I
25 haven't.

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1 BOARD MEMBER JONES: No, but he hasn't put in
2 for any. You know what I'm saying? There's a timing
3 issue that I think we need to be really aware of on
4 somebody putting together a grant application and not
5 being able to get on an agenda and losing that
6 opportunity when their governing authority has put the
7 authority within a certain division. I'm just wondering
8 why.

9 CHAIRMAN EATON: That's what I think we're going
10 to answer. So we can move that with today's, but
11 Mr. deRoco, I've told you this before and I'm going to
12 tell you again. I really need your help and the Board
13 needs your help. Your local representative who
14 represents the legislature does not like the tire program
15 or the tire bill. You come here and you get money every
16 time you come here and ask for programs. You've got to
17 get to them because we're going to need every vote we can
18 get because otherwise the money is going to dry up.

19 MR. DE ROCO: Who is my local representative?

20 (Laughter)

21 BOARD MEMBER JONES: We're going to leave that
22 up to you, Gerry. You're going to figure that out.

23 MR. DE ROCO: We're not aware of that in our
24 little hick town.

25 CHAIRMAN EATON: He represents that the people

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1 up there do not want to pay for these programs. In all
2 -- I'm being serious that we really need all the help we
3 can get when there's matters such as this. You know the
4 value of this program.

5 MR. DE ROCO: Very valuable, right.

6 CHAIRMAN EATON: And I think that sometimes
7 under the stewardship that some of those elected
8 officials do not understand, that's the state elected
9 officials that are going to vote on that. You've got
10 Mr. Anistad, Mr. Dickerson represents parts of your area,
11 I believe.

12 MR. DE ROCO: Johannison.

13 CHAIRMAN EATON: It would be very helpful in
14 letting them know that you've been the beneficiary, and
15 those are important because that's going to be a very
16 difficult bill to get through. Within that bill there's
17 a tremendous amount of components for local government
18 monies, unbelievable amount. The whole report can shift
19 this. If that goes down, there may not be that much
20 money available for these types of programs. So we could
21 really use your help, seriously.

22 MR. DE ROCO: I can assure you we will contact
23 him. We've had letters of support of those people on
24 other grant applications and we'll have to trace that and
25 see if they're saying one thing and acting differently.

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1 CHAIRMAN EATON: I'm going to look for those
2 letters as well.

3 (Laughter)

4 CHAIRMAN EATON: We have a motion before us? I
5 don't think so, do we?

6 BOARD MEMBER JONES: Yes.

7 CHAIRMAN EATON: Mr. Jones moves and
8 Ms. Moulton-Patterson seconds that we adopt Resolution
9 2000-198 with the proviso that Glenn County be able to
10 provide that specific resolution within 30 days.

11 Madam Secretary, please call the roll.

12 BOARD SECRETARY: Board Members Jones.

13 BOARD MEMBER JONES: Aye.

14 BOARD SECRETARY: Moulton-Patterson.

15 BOARD MEMBER MOULTON-PATTERSON: Aye.

16 BOARD SECRETARY: Chairman Eaton.

17 CHAIRMAN EATON: Aye.

18 That matter will be moved to the full Board for
19 its consideration.

20 Next item, 42.

21 MR. LEARY: Agenda Item 42, Mr. Chairman, is the
22 consideration of approval of award for environmental and
23 engineering services contract for illegal waste tire
24 remediation program for fiscal year 1999-2000, and Stacey
25 Patenaude will make that presentation.

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1 MS. PATENAUE: Good afternoon, Chairman Eaton
2 and Members of the Board. I'm Stacy Patenaude. I work
3 in the Waste Tire section here at the Board. My item
4 today is consideration of approval of fiscal year
5 1999-2000 environmental and engineering services
6 contract, IWMC 9029.

7 Funding for this contract was approved by the
8 Board in September of 1999 for an amount of \$130,826.
9 Scope of work for this contract was approved by the Board
10 in December of 1999. The Board requested -- the Board's
11 request for qualification was sent out January 27th of
12 this year. Two statements of qualifications were
13 received in response to the RFQ. Those RFQs were from IT
14 Corporation and Dr. Dana Humphries.

15 The statement of qualifications were evaluated
16 and representatives from both companies were interviewed.
17 As a result of the evaluation process, Dr. Dana Humphries
18 was chosen as the winning consultant. I would like to
19 give a brief summary of the accomplishments that were
20 done under the previous environmental engineering
21 services contract in which Dr. Dana Humphries held.

22 During the last two years, five six-hour short
23 courses educating engineers in the use of shredded tires
24 in civil engineering applications were given. A test pad
25 was constructed to test the vibration attenuation of tire

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1 shreds. Applications for this information, possible
2 applications is use of tire shreds under light rail
3 systems.

4 The first phase of the dynamic seismic dampening
5 study with UC Davis was completed. Discussions with
6 consultants about using tire shreds in the San Francisco
7 International Airport runway expansion were conducted,
8 and tire shreds are now on the list of possible fill
9 materials for that runway expansion.

10 Development of the Highway 880 Dixon Landing
11 interchange project, construction is to begin in August
12 of this year and an estimated 700,000 to one million
13 tires will be used in a 700-foot section of on-ramp.
14 Talks have begun with the Caltrans people in Marysville
15 regarding tire shreds to be used in the Highway 70
16 expansion, which is to start construction in 2001 for the
17 new speedway.

18 We've provided technical assistance in the
19 monofill regulations, and work with Caltrans to develop
20 standard specifications for the use of tire shreds in
21 road projects have been drafted and are awaiting
22 adoption.

23 With that, I would like to recommend to the
24 Board that they approve the 1999-2000 contract for the
25 environmental engineering services contract to Dr. Dana

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1 Humphries.

2 CHAIRMAN EATON: Any questions?

3 BOARD MEMBER JONES: Mr. Chairman.

4 CHAIRMAN EATON: Mr. Jones.

5 BOARD MEMBER JONES: I want to congratulate late
6 Stacey and Bob Fujii and Martha for the work with
7 Dr. Humphries. You've done an outstanding job in this
8 state.

9 And with that, I would like to move adoption of
10 Resolution 2000-189 to award a contract to Dr. Dana
11 Humphries, IWMC 9029, for \$103,826.

12 CHAIRMAN EATON: I'll second the motion.

13 So Mr. Jones moves and Mr. Eaton seconds that we
14 adopt Resolution 2000-189.

15 Madam Secretary, please call the roll. It's an
16 award of money.

17 BOARD SECRETARY: Board Members Jones.

18 BOARD MEMBER JONES: Aye.

19 BOARD SECRETARY: Moulton-Patterson.

20 BOARD MEMBER MOULTON-PATTERSON: Aye.

21 BOARD SECRETARY: Chairman Eaton.

22 CHAIRMAN EATON: Aye.

23 Forward that recommendation from the committee.

24 Next item, 43.

25 MR. LEARY: Agenda Item 43 is the consideration

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1 of approval for the sites for remediation under the waste
2 tire stabilization abatement program. Gail will make
3 that presentation.

4 MS. PAVELKO: Good afternoon. Gail Pavelko with
5 the Special Waste Division Tire Remediation program.

6 Today staff is presenting two waste tire sites
7 for remediation under the waste tire stabilization and
8 abatement program. The agenda item as originally
9 prepared included three sites. However, today we are
10 pulling the Sonoma County site and may bring this forward
11 at a future meeting. The Public Resources Code --

12 CHAIRMAN EATON: We're only going to consider
13 one site today.

14 MS. PAVELKO: Two sites. We're pulling Sonoma
15 County. That leaves the Fresno and the Tulare County
16 sites.

17 CHAIRMAN EATON: Thank you.

18 MS. PAVELKO: Public Resources Code Section
19 42826 authorizes the Board to expend money from the
20 California tire recycling management fund to perform any
21 cleanup, abatement or remedial work required to prevent
22 substantial pollution, nuisance or injury to public
23 health or safety.

24 At both sites, the property owners have failed
25 to take appropriate action as ordered by the Board, and

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1 the Board has determined that both of these sites pose a
2 significant threat to the public health and the
3 environment.

4 The first site is known as South Grace Waste
5 Tire Site in Fresno County. There are approximately
6 20,000 waste tires illegally stockpiled on a
7 residential -- on a piece of residential private
8 property. The site is approximately a quarter acre in
9 size and has no perimeter fencing around it. Surrounding
10 land use is primarily residential, commercial and an
11 industrial area of Fresno. The tires are stockpiled on
12 the entire parcel from property line to property line.
13 They're spilling out onto the front access street.

14 The operator tenants were registered waste tire
15 haulers. They brought the tires to this unpermitted site
16 and have failed to remove them. An Administrative Law
17 Judge issued civil penalties in the amount of \$17,000
18 against the operators. And additionally, we are filing a
19 claim against the \$10,000 surety bond that the registered
20 waste tire hauler had to post. Staff has estimated that
21 the remediation will cost approximately \$40,000.

22 The second site is known as Spears Waste Tire
23 Site. It is located in Tulare County. There's an
24 estimated 10,000 illegally stockpiled waste tires on this
25 10-acre piece of private property.

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1 The property was once operated as an auto
2 wrecking yard. The abandoned vehicles have been removed
3 from the site. However, the tires remain and all of the
4 tires at the site are all still on the rims. The site
5 has no secure perimeter fencing and is located in a
6 residential-commercial-industrial-agriculture area of
7 Porterville.

8 The tires are primarily stockpiled in one large
9 pile directly next to an irrigation ditch that's used for
10 farming. The Southern Pacific Railroad track runs
11 directly adjacent to the property line.

12 An Administrative Law Judge has assessed a
13 \$16,000 civil penalty against the property owners and
14 we've already converted the civil penalty into a lien
15 against the property. Staff considers this remediation
16 to be approximately \$40,000 also.

17 CEQA requirements for both of these sites will
18 be met through a notice of exemption filed by the Board
19 as lead agency. After remediation, cost recovery options
20 may be taken by the Board as may be deemed necessary.

21 Staff recommends adoption of Resolution 2000-187
22 as amended, deleting that one site in Sonoma County,
23 approving the two proposed sites for Board-managed
24 cleanup under the waste tire stabilization and abatement
25 program.

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1 This concludes my presentation.

2 CHAIRMAN EATON: Any questions of staff,
3 Mr. Jones or Ms. Moulton-Patterson? I have one. When do
4 you expect to begin the work on these two sites?

5 MS. PAVELKO: Well, the current contract that
6 we're using for remediation expires May 15th, and
7 basically all those funds will be used up on current
8 projects. We are in the process right now of selecting a
9 new contractor and will be coming forward next month
10 proposing a contractor for the 1999-2000 funds.

11 If the Board approves -- adopts staff's
12 recommendation next month, we should have a contract in
13 place by mid-June and be able to start remediation of
14 these and a few other sites that are on the waiting list.

15 CHAIRMAN EATON: And the reason why I was
16 asking, as you well know, we're going to be in Visalia
17 and that's in Tulare County. I just thought if there was
18 an opportunity during that time if any of us wanted to go
19 by and see what the work was --

20 MS. PAVELKO: We won't be started.

21 CHAIRMAN EATON: -- but obviously that's not
22 going to work. It just was a thought. It's an
23 interesting process to see. All right. Thank you.

24 MS. PAVELKO: Thank you.

25 BOARD MEMBER JONES: Mr. Chairman.

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1 CHAIRMAN EATON: Mr. Jones.

2 BOARD MEMBER JONES: I would like to move
3 adoption of Resolution 2000-187 for the cleanup of the
4 South Grace Waste Tire Site and the Spears Waste Tire
5 Site.

6 CHAIRMAN EATON: And that would be deleting the
7 Hale-Silacci Site?

8 BOARD MEMBER JONES: Uh-huh.

9 BOARD MEMBER MOULTON-PATTERSON: Second.

10 CHAIRMAN EATON: Mr. Jones moves and
11 Ms. Moulton-Patterson seconds that we adopt Resolution
12 2000-187 with deletion of the Hale-Silacci, that's
13 S-i-l-a-c-c-i, tire site and approval of the other two
14 sites.

15 Madam Secretary, please call the roll.

16 BOARD SECRETARY: Board Members Jones.

17 BOARD MEMBER JONES: Aye.

18 BOARD SECRETARY: Moulton-Patterson.

19 BOARD MEMBER MOULTON-PATTERSON: Aye.

20 BOARD SECRETARY: Chairman Eaton.

21 CHAIRMAN EATON: Aye.

22 One more item, Mr. Weiss. We're almost there
23 for you. Hold on.

24 Item Number 44.

25 MR. LEARY: Agenda Item 44 is consideration of

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1 adoption of proposed emergency regulations for the
2 Playground Safety and Recycling Act grant program, AB
3 1055, and Martha Gildart will make that presentation.

4 MS. GILDART: These are the regulations for
5 implementation of the Playground Safety Act.

6 In recent months, the Board has already adopted
7 the fund distribution applicant project eligibility and
8 criteria for scoring the playgrounds as well as a
9 slightly modified evaluation process. Today we're
10 seeking approval of the emergency regulations that will
11 govern administration of the new program. As emergency
12 regs, these will become effective upon the adoption by
13 the Board and will not be required to go to OAL until
14 after a 120-day period. If necessary, the Board can seek
15 extension of another 120 days before filing permanent
16 regulations.

17 As you remember, Proposition 98 funds have been
18 made available for the Board to disperse as grants to
19 local educational agencies for upgrading playground
20 facilities at schools to meet these new safety regs that
21 the Department of Health Services has just promulgated.
22 We will be using recycled content material in these
23 playgrounds.

24 The regs cover definitions such as what is a
25 playground, what is a recycled product, what are eligible

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1 projects, what are eligible agencies, as well as how to
2 handle the event that we have more passing requests than
3 we have funds available to cover. That's an amendment in
4 the revised regulations, and if any members of the public
5 are interested there are copies of the revisions on the
6 back table, but since the package had been put out to the
7 public, we added that section on excessive requests.

8 So if the Board has any questions we can answer.

9 CHAIRMAN EATON: Any questions? Okay.

10 Hearing none, I'll move that we adopt Resolution
11 2000-191, emergency regs for the Playground Safety and
12 Recycling Act.

13 BOARD MEMBER JONES: I'll second.

14 CHAIRMAN EATON: Mr. Eaton moves and Mr. Jones
15 seconds we adopt Resolution 2000-191.

16 Madam Secretary, please call the roll.

17 BOARD SECRETARY: Board Members Jones.

18 BOARD MEMBER JONES: Aye.

19 BOARD SECRETARY: Moulton-Patterson.

20 BOARD MEMBER MOULTON-PATTERSON: Aye.

21 BOARD SECRETARY: Chairman Eaton.

22 CHAIRMAN EATON: Aye.

23 Move that for full Board consideration.

24 The last item we'll take up today, other than
25 public comment, will be agenda Item Number 45 at the

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1 request of Mr. Weiss and be done prior to tomorrow at the
2 appropriate time.

3 MS. JORDAN: Good afternoon, Chairman and Board
4 Members. For the record, Terry Jordan, acting Deputy
5 Director of the Administrative and Finance Division.

6 CHAIRMAN EATON: Can you hold on one second?
7 All right. Sorry.

8 MS. JORDAN: Mitch Weiss of the Financial
9 Assistance Branch will present Agenda Item 45, discussion
10 of previously allocated consulting and professional
11 services funds.

12 MR. WEISS: Good afternoon. My name is Mitch
13 Weiss of the Administrative and Finance Division. As
14 Terry mentioned, this item is an update on the status of
15 previously allocated C and P funds. The Budget Office
16 has reviewed this information, and because there's a tire
17 reallocation item coming forward and there were no
18 significant savings in the Integrated Waste Management
19 Account, this item focuses on the RMDZ account and the
20 status of the 98-99 funds.

21 As you may recall, the 98-99 and 99-00 Budget
22 Acts appropriated \$4 million each from the Recycling
23 Development Revolving Loan account to be used for market
24 development activities. These funds are available for
25 encumbrance for three years with an additional two years

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1 to liquidate the encumbrances. Thus, the 98-99
2 appropriation must be encumbered by June 30th, 2001 and
3 liquidated by June 30th of 2003, and the 99-2000
4 appropriation must be encumbered by June 30, 2002 and
5 liquidated by June 30th of 2004.

6 This date is changing as we get information
7 continually, so there's an updated spreadsheet on your
8 screen.

9 That concludes my presentation. Any questions?

10 CHAIRMAN EATON: Bottom line is what's
11 available.

12 MR. WEISS: That's so hard to read, I can hand
13 you the same information here.

14 CHAIRMAN EATON: We just wanted to find --

15 MR. WEISS: For the 98-99 funds --

16 CHAIRMAN EATON: Which have to be encumbered by
17 when?

18 MR. WEISS: By June 30th, 2001.

19 CHAIRMAN EATON: Okay. So we have a year, and
20 that \$61,000 is all that's left?

21 MR. WEISS: There's the \$214,000. It's the
22 savings from concepts and that was when the concepts came
23 in for less than -- the contract was less than the
24 concept. We have not yet contracted -- there are
25 instances, for some reason or another, there is no actual

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1 contract in place that we can identify.

2 CHAIRMAN EATON: Let me ask the simple question.
3 Do I add Column A and B to get to the figure of what's
4 available or do I just do separate columns?

5 MR. WEISS: I would say that what's immediately
6 available, without re-prioritizing what you've already
7 awarded, would be the savings from concepts, the \$214,000
8 from 98-99 and the 99-00, \$14,000. If the Board wished
9 to re-prioritize from what has already been awarded, then
10 you look to the far column.

11 CHAIRMAN EATON: Okay. That's it?

12 MR. WEISS: That's it. I'm trying to follow the
13 direction of being short.

14 CHAIRMAN EATON: Okay. Well, obviously you'll
15 be around in the morning if there's any questions.

16 MR. WEISS: Terry Jordan or Debbie Garrett will
17 be available to answer questions if you wish to discuss
18 this item tomorrow.

19 CHAIRMAN EATON: That's fine. It's even earlier
20 than we thought. All right.

21 BOARD MEMBER JONES: Mr. Chairman.

22 CHAIRMAN EATON: There was no action required;
23 was there?

24 BOARD MEMBER JONES: No.

25 CHAIRMAN EATON: Okay.

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1 BOARD MEMBER JONES: Mr. Chairman, I just wanted
2 to say it's been nice having you. You've done a great
3 job while you're here. You're a dedicated part of this
4 organization and I know we're going to miss you. So I
5 hope that things work out well for you.

6 MR. WEISS: Thank you very much.

7 CHAIRMAN EATON: We'll save the rest of the
8 comments for an appropriate time. All right.

9 That concludes all of the items with the
10 exception --

11 MS. FISH: Mr. Chairman, could I interrupt for a
12 second?

13 CHAIRMAN EATON: Absolutely, Ms. Fish.

14 MS. FISH: We need to clarify a resolution on
15 Item 24.

16 CHAIRMAN EATON: 24.

17 MS. FISH: It was represented in the testimony
18 that the interagency agreement would be with the State
19 Consumer Services. The resolution indicates it would be
20 with the Department of General Services. So we just need
21 to clarify for the record the interagency agreement will
22 be with the State Consumer Services Agency.

23 CHAIRMAN EATON: So the resolution is not
24 accurate; correct?

25 MS. FISH: That's correct.

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1 CHAIRMAN EATON: Okay. So that would be the
2 State Department of --

3 MS. FISH: Consumer Services.

4 CHAIRMAN EATON: I think because we voted on it
5 earlier, we're going to need to bring that back tomorrow.

6 MS. FISH: The State Consumer Services Agency.

7 CHAIRMAN EATON: So what we'll do is we'll hear
8 the other matters and then take Resolution 2000-213 up
9 again just for clarity.

10 MS. FISH: That one was one that was prior. It
11 was already voted on. This is simply a clarification.

12 CHAIRMAN EATON: But we adopted the resolution
13 as written.

14 MS. TOBIAS: Mr. Chair, I think you could do
15 either, but we were suggesting that since the testimony
16 had said the State Consumer Services Agency and that's
17 what was in the spoken, then you have a resolution that's
18 incorrect. So I think you could do either one. I think
19 since the testimony said the correct one, as long as
20 you've now clarified it on the record, I think that will
21 suffice. If you want to go back and clarify, that's fine
22 too.

23 BOARD MEMBER JONES: Can I ask a question?

24 CHAIRMAN EATON: Mr. Jones.

25 BOARD MEMBER JONES: Was this an agreement with

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1 DGS or the other guys?

2 MS. FISH: I believe it might have originated
3 with and focused on Department of General Services, but
4 the determination was made that it needed to be with the
5 State Consumer Services Agency.

6 CHAIRMAN EATON: All right.

7 That having completed all of the items, public
8 comment can be taken at the present time. No public
9 comment. We will stand adjourned until 9:30 tomorrow
10 morning and the ad hoc committee at that time will cease
11 to exist.

12 Thank you.

13 * * *

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4 I, Terri L. Emery, CSR 11598, a Certified
5 Shorthand Reporter in and for the State of California, do
6 hereby certify:

7 That the foregoing proceedings were taken
8 down by me in shorthand at the time and place named
9 therein and was thereafter transcribed under my
10 supervision; that this transcript contains a full, true
11 and correct record of the proceedings which took place at
12 the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest
16 in the event of the action.

17

18

19 EXECUTED this 27th day of May, 2000.

20

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24

25

Terri L. Emery

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